

# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

March 5, 2014

Mayor Philip Levine  
Vice-Mayor Micky Steinberg  
Commissioner Michael Grieco  
Commissioner Joy Malakoff  
Commissioner Edward L. Tobin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales  
City Attorney Jose Smith  
City Clerk Rafael E. Granado

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Meeting called to order at 8:30 a.m.

Inspirational Message led by Rabbi Shmuel Mann, from the Chabad of the Venetian and Sunset Islands.

Pledge of Allegiance given by Fire Chief Virgil Fernandez.

#### **9:13:35 a.m.**

Rafael E. Granado, City Clerk, announced items separated, withdrawn and/or added. Added items: C4J, C4K, C7O, R9M, R9N, R9O and R9P. Withdrawn items: C2G, C4E and R9G.

Jimmy L. Morales, City Manager, explained that the reason C4E was withdrawn is that it is not a zoning matter. It is a referral to Planning and Commissioner Weithorn suggested that it be referred to Neighborhood/Community Affairs Committee.

**City Clerk's Note:** C4E was subsequently referred to NCAC. See Action with C4E.

The City Commission will recess for lunch at approximately 12:00 p.m.

**ADDENDUM MATERIAL 1:**  
C4J C7O

**ADDENDUM MATERIAL 2:**  
C4K R9M R9N R9O

**ADDENDUM MATERIAL 3:**  
R9P

**SUPPLEMENTAL MATERIAL 1:**  
C7M Memorandum C7N Memorandum  
R5P Revised Memo and Ordinance  
R7A Revised Resolution and Attachment  
R7F Memorandum  
R9L Memorandum from Legal & Ordinance

### **Presentations and Awards**

Presentations and Awards Meeting will take place at the March 12, 2014 "Alternate" City Commission Meeting beginning at 5:00 p.m.

### **ADDENDUM**

**ACTION:** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to add items C4E as amended, C4J, C4K, C7O, R9M, R9N, R9O and R9P to the Commission Agenda; Voice-vote: 7-0.

**City Clerk's Note:**

C4E originally referred to Planning Board was amended and referred to Neighborhood/Community Affairs Committee.

### **CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Weithorn; seconded by Commissioner Grieco to approve the Consent Agenda excluding separated items; Voice-vote: 7-0.

**SEPARATED ITEMS:**

Commissioner Grieco separated Item C4J  
Commissioner Tobin separated Item C4D

### **C2 - Competitive Bid Reports**

C2A Request For Approval To Issue A Request For Proposals (RFP) For Medical Services Provider For Pre And Post-Employment Services.  
(Human Resources/Procurement)

**ACTION:** Request approved. **Sylvia Crespo-Tabak and Alex Denis to handle.**

- C2B Request Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.

(Procurement)

**ACTION:** Request approved. **Alex Denis to handle.**

- C2C Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-066 For HVAC Equipment, Installation, Parts And Services.

(Property Management/Procurement)

**ACTION:** Request approved. **Eric Carpenter and Alex Denis to handle.**

- C2D Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) 2014-069 For Light Poles, Fixtures And Bases.

(Public Works/Procurement)

**ACTION:** Request approved. **Eric Carpenter and Alex Denis to handle.**

- C2E Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2014-149-SR, For Fabrication And Installation Of Handrail System At The UNIDAD Building Terrace At North Shore Bandshell Park.

(Capital Improvement Projects/Procurement)

**ACTION:** Request approved. **David Martinez and Alex Denis to handle.**

- C2F Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2014-093-SR, For The South Pointe Park Landscape Remediation Project.

(Capital Improvement Projects/Procurement)

**ACTION:** Request approved. **David Martinez and Alex Denis to handle.**

- C2G Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2014-094-SR, For The Miami Beach Golf Course Drainage Remediation Project.

(Capital Improvement Projects/Procurement)

**ACTION:** Item withdrawn.

**C4 - Commission Committee Assignments**

- C4A Referral To The Land Use And Development Committee - Discussion On The Creation Of Overlay Districts For Strategic Areas Of The City.  
(Requested by Commissioner Joy Malakoff)

**ACTION:** Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

- C4B Referral To The Land Use And Development Committee - Telecommunications Ordinance.  
(City Attorney's Office)

**ACTION:** Item referred. Thomas Mooney to place on the committee agenda. **City Attorney's Office and Ariel Sosa to handle.**

- C4C Referral To The Finance And Citywide Projects Committee - A Discussion Regarding South Shore Community Center.  
(Tourism, Culture and Economic Development)

**ACTION:** Item referred. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

**9:45:13 a.m.**

- C4D Referral To The March 21, 2014 Finance And Citywide Projects Committee - Discuss Financial Impact Of The Proposed Roadway Closure Applications For 87 Street And 87 Terrace Filed By 8701 Collins Development.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Item referred. Item separated for discussion by Commissioner Tobin. Motion made by Commissioner Weithorn; seconded by Commissioner Tobin; Voice vote: 7-0. Patricia Walker to place on the March 21, 2014 committee agenda. **Eric Carpenter and Patricia Walker to handle.**

Commissioner Weithorn stated that every time the City vacates alleys, they give up air rights under subterranean rights, and they always struggle on how to value it. She thought, in order to expedite, they could refer to the Finance and Citywide Projects Committee for an evaluation on how the fiscal impact could be determined, perhaps based on standards of evaluation.

Commissioner Tobin stated that within three months, they now have an ordinance allowing a property owner who is building a hotel on 87 Street to raise height regulations as they are changing the zoning regulations. This item is to refer the closure applications, but the item does not say that the developer wants to buy a piece of the street end on the ocean so they can take that City property and combine 37,000 feet and add the FAR to the project, so they can go up and build a taller building. If someone were reading the agenda, one would not even know that there is a deal to sell oceanfront property that belongs to the City for the developer to build a high-rise building. He thinks it is a great project but the public needs to know. There is also a county owned property involved in this, which prevents the City from having to go to referendum.

Discussion held.

Jimmy L. Morales, City Manager, stated that they have had conversations with the developer to not just have an improved walkway but beyond that, including significant contributions to the restoration of the Open Space Park.

Commissioner Tobin explained that they have a sewer force main that travels from Haulover to the beach, and they have no redundancy on that sewer line, but continue to have excess additions with Collins Avenue developments; he suggested that they take in consideration replacing some of the infrastructure since the sewer force main is over 70 years old. He stated that in addition to "smarter development" that is being referred, this is a great opportunity to start making a robust infrastructure upgrade to sewer and water lines.

**9:14:42 a.m.**

C4E Referral To The ~~Planning Board~~ Neighborhood/Community Affairs Committee - An Ordinance Amending The Code Of The City Of Miami Beach, Florida Amending Chapter 6, Entitled "Alcohol Beverages."

(Requested by Mayor Philip Levine)

**ACTION:** Item referred. Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff to refer the item to the Neighborhood/Community Affairs Committee; Voice-vote: 7-0. Vania Pedraja to place on the committee agenda. **Gary Held to handle.**

Rafael E. Granado, City Clerk, announced that Mayor Levine had withdrawn this item.

Jimmy Morales, City Manager, explained that the item is being withdrawn because it is not a zoning matter, but Commissioner Weithorn had expressed interest in referring to the Neighborhood/Community Affairs Committee.

Commissioner Weithorn suggested referring to the Neighborhood/Community Affairs Committee.

C4F Referral To The Finance And Citywide Projects Committee Of A Discussion Regarding The Greater Miami Convention And Visitors Bureau Interlocal Agreement.  
(Tourism, Culture And Economic Development)

**ACTION:** Item referred. Patricia Walker to place on the committee agenda. **Max Sklar to handle.**

C4G Referral To The Land Use And Development Committee - Discuss Amending Sec. 106-55 Parking Rates, Fees And Penalties To Exempt Single Family Homes.  
(Requested by Vice-Mayor Micky Steinberg)

**ACTION:** Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

- C4H Referral To The Neighborhood/Community Affairs Committee - Discuss Prohibition On The Sale Of E-Cigarettes To Minors Within The City Of Miami Beach.  
(City Attorney's Office)

**ACTION:** Item referred. See discussion item R9L. Vania Pedraja to place on the committee agenda. **City Attorney's Office to handle.**

- C4I Referral To The Land Use And Development Committee - Discussion On The Preparation Of Form-Based Land Development Regulations.  
(Planning)

**ACTION:** Item referred. **Thomas Mooney to place on the committee agenda and to handle.**

**9:24:03 a.m.**

**ADDENDUM MATERIAL 1:**

- C4J Referral To The Land Use And Development Committee - Discussion On The Beachwalk Adjacent To The Seville-Edition And Future Segments Of The Beachwalk And Boardwalk.  
(Public Works)

**ACTION:** Item referred. Item separated for discussion by Commissioner Grieco. Motion made by Commissioner Weithorn to refer to the Land Use and Development Committee the issue of beachwalk uniformity; seconded by Vice-Mayor Steinberg. Voice-vote: 7-0. **Thomas Mooney to place on the committee agenda.**

Motion made by Commissioner Grieco, seconded by Commissioner Wolfson to move the project forward as amended (The motion is to approve elevation but not the pavers); Voice vote 7-0. Thomas Mooney to place on the committee agenda. **Eric Carpenter to handle.**

**AMENDMENT**

Allow the developer to complete the project.  
Pavers not approved at this time.

Commissioner Grieco explained that the item is regarding the beachwalk area at the 2900 block of Collins Avenue. He learned during his campaign that there was a lawsuit, and part of the settlement was that the City was going to cover the difference in cost of redoing the beachwalk and raising it up a foot. At the time, the estimated cost was approximately \$100,000. His understanding is that the cost now will exceed a quarter of a million dollars just to raise it one foot, and it seems to him that it is a great deal of money.

Gary Held, First Assistant City Attorney, explained that there was a lot of citizen interest in maintaining the boardwalk; and as a compromise, a revised plan was developed allowing for a jogger friendly surface and maintaining the view of the water. The settlement allowed for six months of permitting to see if the State would approve the two plans for the improvements. They were able to get the permitted plans approved by the State, but there is a cap of \$100,000 agreed by the City Commission. However, the developer never came down to that number during the few months of negotiations, and within the last two weeks they came in with the additional \$118,000.

Under the settlement agreement, the Commission can state that the City will not fund anymore, and they will go back and build the original plan, which is acceptable to City staff.

Commissioner Tobin explained that many residents came to a previous Commission meeting and stated that they loved the elevated boardwalk. As a compromise, the Commission felt that if it was raised higher they could see the water. The City Commission made a commitment, and there were many people that wanted the boardwalk.

Commissioner Grieco stated that the cost now is doubled the cap that was placed at \$100,000, and it seems like the City is spending a lot of money; it is not about the boardwalk, but about a foot of concrete and additional moneys that can go to towards the betterment of other City projects.

Discussion held.

Jimmy L. Morales, City Manager, clarified that replacing the boardwalk is not the issue; the question is what kind of beachwalk will be built. For many years, the City required developers to replace the boardwalk with the beachwalk in their plans. The reason this item was added to the agenda as a referral is because the cost has almost doubled and he wanted the approval of the City Commission.

Mayor Levine explained that the beachwalk should be uniform, from the beginning to the end, whether it is a high-grade soft material jogger friendly, but uniform all across. Commissioner Grieco agrees in going forward, and stated that this does not benefit the developer in any way.

Eric Carpenter, Public Works Director, explained that they tried to get as much elevation on this beachwalk as they could to try to make it similar to what was there before. The majority of the area was going to be able to be raised 12 inches, others 18 inches, but in the end, there will be 300 feet of the beachwalk that is completely different from what is on either side.

Commissioner Weithorn agreed that this is a discussion that belongs in Land Use.

Motion made by Commissioner Grieco to move forward and pursue the agreement previously made with the settlement, allowing the developer to go ahead with the original plan with a difference of 18 inches on the beachwalk; seconded by Mayor Levine.

Commissioner Weithorn stated that the public has not been noticed and this is wrong. Vice-Mayor Steinberg concurs with Commissioner Weithorn and she suggested referring the item to the Land Use and Development Committee (LUDC) and bring it back to the City Commission next month.

Discussion continued regarding referral to LUDC. Commissioner Malakoff is in agreement that the public needs to have input and agreed to refer item to LUDC.

Discussion continued.

Micky Marrero, Esq., stated that they understand the public interest in the elevated boardwalk, and as he researched this, the bigger cost issue for them is that different types of pavers that were part of the settlement agreement. His client is willing to elevate it as proposed, at no cost to the City. They have already planned ahead. Their issue is that the project started two years ago

and they do not want to delay its completion. This is a critical time issue. The bigger cost issue is the type of pavers the City wants, and asked that the Commission come to an agreement on that.

Discussion continued.

Commissioner Weithorn asked City Attorney Jose Smith, if this body can make a decision on this item today and if it was properly noticed. Mr. Smith stated that the notice received today is to determine whether the City Commission wants to spend an additional \$100,000 to complete this project. Discussion continued.

Gary Held, First Assistant City Attorney, explained that this item is on the agenda and there is flexibility. He suggested discussing if the City wants pavers at this location only.

Discussion continued.

Jimmy L. Morales, City Manager, stated that he was not aware of the proffer, and added that staff is in agreement with the elevation, as long as they do not use the spongy pavers, and as long as there is no cost to the City.

Discussion continued.

Eric Carpenter, Public Works Department Director, explained that a benefit of raising footage is that it fortifies the dune system. The additional fills is a win for the City. Discussion continued.

Micky Marrero, Esq., spoke.

Commissioner Weithorn insisted on the issue of consistency of the look of the beachwalk. Changing a spot for the pavers in her opinion makes no sense. That discussion belongs at committee and should go to LUDC.

Commissioner Grieco offered an amendment to his prior motion to move forward and allow the developer to complete the job; seconded by Commissioner Wolfson. Gary Held, First Assistant City Attorney, clarified that the motion is to approve elevation but not the pavers.

Jose Smith, City Attorney, explained that there several hotels that are in the process of doing a new beachwalk, and they need to notify them what these discussions entailed.

Mayor Levine agreed with Commissioner Weithorn regarding uniformity.

Motion made by Commissioner Weithorn to refer to LUDC the issue of beachwalk uniformity; seconded by Vice-Mayor Steinberg. Voice-vote: 7-0.



**ADDENDUM MATERIAL 2**

C4K Referral To The Land Use And Development Committee and the Planning Board – Discuss Alton Road Projects.

(Commissioner Edward L. Tobin)

**ACTION:** Item referred. Thomas Mooney to place on the committee agenda. **Eric Carpenter to handle.**

**C6 - Commission Committee Reports**

C6A Report Of The Land Use And Development Committee Meeting Of February 19, 2014: **1)** Discussion Regarding Revisions To City Code Chapter 54, Variance Requirements For Historic Properties. **2)** Discussion For Consideration Of Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District. **3) A.** Discussion Regarding A Change To The Composition Of The Design Review Board To A Board Of Professionals. **B.** Discussion Regarding: **1.** Amendment To City Code Section 2-459, To Provide For Limited Exception Permitting “Associates” Of City Agency Members To Lobby As Architects/Design Professionals Before A City Land Use Board; And Related Process For Amending Code Section 2-459; And **2.** Streamlining City’s Design Application Process By Amendment Of City’s Laws To Permit Variance Requests Arising Out Of Projects Before Design Review Board And/Or Historic Preservation Board Be Heard By Those Boards, Rather Than Necessitating Applicant To File A Separate Variance Application To Board Of Adjustment; And Related Process For Laws’ Amendments. **4)** Discussion On A Code Amendment To The RM-3 Zoning District Setback Regulations For Detached Additions, Also Referred To As Cabana Structures, At Oceanfront Lots Located In The Miami Beach Architectural District, And For ADA Walkways And Ramp Structures In Side Yards. **5)** Discussion On An Ordinance Amending The Land Development Regulations To Repeal Ordinance No. 2013-3799, Which Created An Additional Conditional Use To Permit Self-Storage In The CD-2 Zoning District Along The Alton Road Corridor. **6)** Discussion On The Proposed Terminal Island Residential Project. **7)** Discussion Regarding Changing The Level In Which A Commercial Building Is Built From Grade To Base Flood Elevation.

**ACTION:**

**1)** Revisions To City Code Chapter 54, Variance Requirements For Historic Properties.

[Item referred September 11, 2013 Commission Meeting, Item C4C](#)

Steven Scott, Deputy Building Director, provided an overview of the item and suggested that the item be withdrawn due to recent legislative changes. The item would continue to be monitored.

**MOTION:** Withdrawal Accepted.

**2)** Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District.

[Item referred at the October 16, 2013 Commission Meeting, Item C4G](#)

**ACTION**

Continued to March 19, 2014

**3) A.** Change To The Composition Of The Design Review Board To A Board Of Professionals.  
[Item referred at the January 15, 2014 City Commission Meeting, Item C4C](#)

**3) B. 1.** Amendment To Code Section 2-459, To Provide For Limited Exception Permitting “Associates” Of City Agency Members To Lobby As Architects/Design Professionals Before A City Land Use Board.  
[Item referred at the February 12, 2014 City Commission Meeting, Item C4B](#)

**MOTIONS:**

1. Move ballot language regarding transfer of Board of Adjustment powers, as may be revised by the City Attorney’s Office, to the Full City Commission with a favorable recommendation. D. Weithorn / M. Grieco (3-0).
2. Move ballot language regarding amendments to Chapter 2-459, as may be revised by the City Attorney’s Office, to the Full City Commission with a favorable recommendation. D. Weithorn / M. Grieco (3-0).
3. Direct the Administration to prepare Code Amendments for review by the Land Use Committee on April 9, 2014, which address the following:
  - The 2 year waiting period required between at the end of a 6 year term
  - Revising and clarifying the powers and duties of each Board.
  - Codifying the ‘Practical Difficulty’ standard.
  - Adding Board Member removal criteria.
  - Transferring the authority of the Flood Plain Management Board to the Historic Preservation Board.D. Weithorn / M. Grieco (3-0)

**4)** Code Amendment To The RM-3 Zoning District Setback Regulations For Detached Additions, Also Referred To As Cabana Structures  
[Item referred at the January 15, 2014 City Commission Meeting, Item C4D](#)

**MOTION:** Refer to the Planning Board with a favorable recommendation.  
M. Grieco / D. Weithorn (3-0)

**5)** Ordinance Amending Land Development Regulations To Repeal Ordinance No. 2013-3799,  
[Item referred at the January 15, 2014 City Commission Meeting, Item C4H](#)

**MOTION:** Recommend NOT to repeal the Ordinance.  
M. Grieco / D. Weithorn (3-0)

**6)** Proposed Terminal Island Residential Project.  
[Item referred at the February 12, 2014 City Commission Meeting, Item C4G](#)

**MOTION:** Continue the discussion to the April 9, 2014 meeting, to give the developer time to present a more complete proposal, which addresses all of the issues outlined at the meeting.  
M. Grieco / D. Weithorn (3-0).

**7)** Changing Level In Which A Commercial Building Is Built From Grade To Base Flood Elevation.  
[February 12, 2014 City Commission Meeting, Item C4E](#)

**AFTER-ACTION:**  
Continued to March 19, 2014.

C6B Report Of The Special Finance And Citywide Projects Committee Meeting On February 21, 2014: **1)** Discussion Regarding A Possible Partnership Between The City Of Miami Beach And The Bicycle Action Committee (BAC) In An Effort To Promote Safety For Bicyclists. **2)** Discussion Regarding The Proposal For A New Lease Between The Miami Beach Redevelopment Agency ("Landlord" Or "RDA") And Vacation Store, Inc., The Successor In Interest To The Existing Tenant, Vacation Tours Of South Beach, Inc. ("Tenant"), For The Use Of Suite "J" At The Anchor Shops, Located At 100 16th Street, Suite No. 5, Miami Beach, Florida 33139 ("Space"), For An Initial Term Of Three (3) Years, Commencing On March 18, 2014 And Ending On March 17, 2017, With One (1) Renewal Option Of Three (3) Years, At The RDA's Sole And Absolute Discretion, Subject To And Pursuant To The Terms And Conditions Set Forth In The Agreement; And Further Including The Authority To Negotiate A Month To Month Tenancy With Tenant Until Such Time As A New Lease Is Executed For The Space Regarding TECO/Peoples Gas System, Inc. Franchise Agreement. **3)** Discussion Regarding The Washington Avenue Pump Station For Funding Allocation. **4)** Discussion On The Review And Recommendations For Improving The City's Procurement Code Completed By The National Institute For Public Procurement (NIGP). **5)** Discussion Regarding Storm Water Future Bonds And Proposed Rates.

**ACTION:**

**1)** Possible Partnership Between City of Miami Beach and The Bicycle Action Committee (BAC).

[Item referred at the July 19, 2013 Commission Meeting, Item C4P](#)

**ACTION:** The Committee recommended moving forward with the Bicycle Safety Campaign focusing on the importance of bicycle and driver awareness when sharing the streets of Miami Beach. The Committee also agreed to a partnership with local bicycle advocate Mr. Richard Cahlin involving the sale of cycling clothing to help raise funds for bicycle programs. The Committee requested that someone speak to the movie theater to do an in kind video advertisement spot. The source of funding will be looked into and approved later as a separate item along with the items in the preliminary cost breakdown.

**2)** Proposal For New Lease Between "RDA" and Vacation Store, Inc.,

**ACTION:** The Committee recommended accepting the three-year lease recommendation with Vacation Store, Inc. with one three-year option at the City's sole discretion.

**City Clerk's Note:** See Item RDA 1A

**3)** Discussion Regarding The Washington Avenue Pump Station For Funding Allocation.

[Item referred at the December 11, 2013 Commission Meeting, Item R9H](#)

**ACTION:** The Committee recommended referring this item to the Planning Department who would recommend ideas for how to better contain the electrical panel and power meter. The Committee recognizes that doing this will set precedence throughout the City as to how to handle this in the future with other neighborhoods. Public Works will bring the item back to the Finance and Citywide Projects Committee to approve the cost options in 2 months with a proposal to be sent via LTC of the different sketches and proposals. The Design Review Board will way in after receipt of this recommendation.

**4)** Review and Recommendations For Improving The City's Procurement Code.

[Item referred at the July 19, 2013 Commission Meeting, Item C4B](#)

**ACTION:** The Committee recommended accepting the recommendations for improving the procurement code in line with the NIGP's report and the Administration's recommendations; and,

directed staff to prepare the necessary ordinance changes for consideration by the City Commission.

**5) Discussion Regarding Storm Water Future Bonds And Proposed Rates.**

**ACTION:** Item deferred.

**C7 - Resolutions**

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application To Florida Inland Navigation District In The Approximate Amount Of \$1,000,000 For The Construction Of Normandy Shores Park Seawall; 2) Submit A Grant Application To Florida Inland Navigation District In The Approximate Amount Of \$1,000,000 For The Construction Of Indian Creek Park Seawall; 3) Submit A Grant Application To Florida Inland Navigation District In The Approximate Amount Of \$500,000 For The Construction Of Muss Park Seawall And Kayak Launch; 4) Submit A Grant Application To The Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program, In The Approximate Amount Of \$1,000,000 For Funding For Emergency Generators, And, Further, Retroactively Approving The Following: 5) Submittal Of A Grant Application To The National Football League Foundation Grassroots Program And Local Initiatives Support Corporation (LISC) For Funding In The Approximate Amount Of \$200,000 For The Renovation Of Flamingo Park Practice Field; Appropriating The Above Grants, Funding Requests, Matching Funds, And City Expenses, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To The Aforestated Applications, Including, Without Limitation, Audits, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To These Grants And Funding Requests.  
(Budget & Performance Improvement)

**ACTION: Resolution 2014-28508 adopted.** Patricia Walker to appropriate the funds. **John Woodruff and Judy Hoanshelt to handle.**

- C7B A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 2014-001, For An Electronic Agenda System; Authorizing The Administration To Enter Into Negotiations With The Top Ranked Proposer, Novusolutions; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, Provox Systems, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, Carahsoft Technology Corporation; And Should The Administration Not Be Successful In Negotiating An Agreement With The Third-Ranked Proposer, Authorizing Negotiations With The Fourth-Ranked Proposer, Granicus, Inc.; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Completion Of Successful Negotiations By The Administration.  
(City Clerk/Procurement)

**ACTION: Resolution 2014-28509 adopted.** Rafael E. Granado and Alex Denis to handle.

- C7C A Resolution Authorizing An Amendment To The Professional Services Agreement With Walker Parking Consultants, Inc., To Perform A Parking Demand Analysis For Certain Areas In North Beach (Phase Six), In An Amount Not To Exceed \$28,000.  
(Parking)

**ACTION: Resolution 2014-28510 adopted. Saul Frances to handle.**

- C7D A Resolution Accepting The Donation Of \$4,750 From Mr. David Wallach And \$4,750 From Mr. Richard Shultz For A Total Of \$9,500 To Purchase A Specially Trained Canine To Be Utilized By The Miami Beach Police Department's Operations Division Canine Squad, For The Detection, Tracking, Apprehension, And Arrest Of Subjects Involved In Criminal Activity.  
(Police Department)

**ACTION: Resolution 2014-28511 adopted. Chief Martinez to handle.**

- C7E A Resolution Waiving By 5/7th Vote, Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager, Or His Designee, To Utilize Florida Department Of Transportation Contract Number C-9D06, For Major Event Traffic Monitoring Services Through May 2014, In The Amount Of \$100,174.74.  
(Public Works)

**ACTION: Resolution 2014-28512 adopted. Eric Carpenter to handle.**

- C7F A Resolution Authorizing The City Manager To Issue A Request For Proposals (RFP) For Eligible Public Service, Housing, And Capital Activities To Be Funded From The City Of Miami Beach Fiscal Year 2014/2015 Community Development Block Grant (CDBG) And Home Investment Partnership (HOME) Entitlement Allocations From The U.S. Department Of Housing And Urban Development (HUD)  
(Office of Housing & Community Development)

**ACTION: Resolution 2014-28513 adopted. Maria Ruiz to handle.**

- C7G A Resolution Urging The Governor And Legislature Of The State Of Florida To Enhance The Florida Film & Entertainment Industry Financial Incentive Program With Additional Tax Credits.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28514 adopted. Max Sklar to handle.**

- C7H A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Establishing Criteria For Special Event Fee Waiver Requests Considered By The Mayor And City Commission.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28515 adopted. Max Sklar to handle.**

- C7I A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Retroactively Waiving Additional Block Party Fees In The Amount Of \$827.60 For Miami Beach Gay Pride 2013.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28516 adopted. Max Sklar to handle.**

- C7J A Resolution Waiving Special Event Fees Of Approximately \$17,000 For Miami Beach Gay Pride 2014.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28517 adopted. Max Sklar to handle.**

- C7K A Resolution Appointing The Mayor As The Chair Of The Miami Beach Redevelopment Agency (RDA) And The Vice-Mayor As The Vice Chair Of The Miami Beach Redevelopment Agency.

(Tourism, Culture & Economic Development)

**ACTION: Resolution 2014-28518 adopted. Max Sklar to handle.**

- C7L A Resolution Consenting To A Settlement Of A Personal Injury Claim Filed By Lorraine Simkowitz Against The City Of Miami Beach, And Paying \$120,000.00 From The City's Risk Management Fund Pursuant To Florida Statute §768.28; And Further Authorizing The Execution By The Office Of Risk Management Of Any And All Settlement Documents.

(Human Resources)

**ACTION: Resolution 2014-28519 adopted. Sylvia Crespo-Tabak to handle.**

#### **SUPPLEMENTAL MATERIAL 1 - Memorandum**

- C7M A Resolution Approving The City's 2014/15 Federal Legislative Agenda.

(City Manager's Office)

**ACTION: Resolution 2014-28520 adopted. Joe Jimenez to handle.**

**SUPPLEMENTAL MATERIAL 1 - Memorandum**

C7N A Resolution In Support Of The City's Water Project Funding Requests For The Governor's Fiscal Year (FY) 2014/15 Budget.  
(Budget And Performance Improvement)

**ACTION: Resolution 2014-28521 adopted. John Woodruff to handle.**

**9:53:59 a.m.**

**ADDENDUM MATERIAL 1**

C7O A Resolution Accepting A Donation In The Amount Of \$10,000 From The Miami Beach Education Foundation From Proceeds Of The Miami Beach Chamber Of Commerce's Annual Golf Tournament To Be Utilized By The City Of Miami Beach's International Baccalaureate (IB) Educational Program, And Appropriating The \$10,000 Donation To City's IB Program.  
(Organization Development Performance Initiatives)

**ACTION: Resolution 2014-28522 adopted. Dr. Leslie Rosenfeld to handle.**

Michael Goldberg, Chairman of the Miami Beach Chamber of Commerce Board, explained that they are very involved with the Miami Beach Education Foundation in supporting the feeder pattern schools, and as a parent himself, he is honored to make the presentation. With today's donation from the Golf Tournament proceeds last week, they present a check for \$10,000 for the IB (International Baccalaureate) program, totaling donations to the City of over \$50,000. They look forward to continuing partnering with the feeder pattern schools in the City. He recognized Adam Cedrati, Treasurer; Diane Grant, Trustee Board; Sherry Roberts, Executive Board Member; and Ceci Velasco, Executive Vice-President.

Jimmy L. Morales, City Manager, added that since the inception of the IB program, and the support of the Chamber and the City, the participation rate by Miami Beach students in the IB program has increased 417%. It is a successful program.

**End of Consent Agenda**

**REGULAR AGENDA****R2 - Competitive Bid Reports**

- R2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid (ITB) No. 2014-086-SR, For Citywide High Tide Mitigation Project.  
(Public Works/Procurement)

**ACTION:** Item deferred.

**10:49:01 a.m.**

**New Item**

- R2B Request For Emergency Authorization To Award A Partial Contract, Pursuant To Invitation To Bid No. 2014-086-SR, Citywide High Tide Mitigation Project.  
(Public Works/Procurement)

**ACTION:** Request authorized.

**MOTION TO ADD ITEM AS AN EMERGENCY ITEM:**

Motion made by Commissioner Weithorn to add the item as an emergency item; seconded by Commissioner Malakoff. Voice-vote: 7-0.

**MOTION TO APPROVE:**

Motion made by Commissioner Malakoff to approve the item as an emergency item; seconded by Commissioner Weithorn; Voice vote 6-0; Absent: Commissioner Wolfson. **Eric Carpenter to handle.**

Jimmy L. Morales, City Manager, stated that R2A was deferred because of a bid protest that needs to be addressed. That item has to do with flood mitigation to the outflow valves. The City is getting ready for the record "king tides" in October, and in discussing with his staff and the Flood Mitigation Committee members, concern has been expressed that a month of delay could have an adverse impact. Eric Carpenter explained that the equipment portion of the contract is going to take a few months to manufacture and deliver; therefore, he is requesting that portion of the contract to be approved. His recommendation is to approve \$200,000 towards the purchase of the equipment.

Mayor Levine stated that this is an emergency.

Motion made by Commissioner Weithorn to add the item as an emergency item; seconded by Commissioner Malakoff. Voice-vote: 7-0.

Rafael E. Granado, City Clerk, read the title for the record.

Motion made by Commissioner Malakoff to approve the item; seconded by Commissioner Wolfson; Voice-vote: 6-0; Absent: Commissioner Wolfson.



**R5 - Ordinances****10:13:32 a.m.**

R5A 4000 Alton Road - Talmudic University FLUM Amendment And Zoning Map Change

## 1. Talmudic Site - FLUM Change

An Ordinance Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For Parcels Of Land Adjacent To What Is More Commonly Known As The "Talmudic University," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current ROS, "Recreation And Open Space," To The Future Land Use Category Of RM-2, "Residential Multifamily Medium Intensity;" Providing For Inclusion In The Comprehensive Plan, Transmittal, Repealer, Severability And An Effective Date. **10:05 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

(Continued from January 15, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3843 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Thomas Mooney to handle.**

## Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 862, published February 20, 2014
2. The Miami Herald Neighbor's Section Ad No. 863, published February 20, 2014
3. The Miami Herald Neighbor's Section Ad No. 857, published January 30, 2014
4. Email from Gayle Durham dated February 28, 2014 to Mayor and City Commission RE: WAVNA opposes commercialization RM-2.
5. Email from Gail Durham dated February 28, 2014 RE: WAVNA opposes commercialization RM-2

**10:14:46 a.m.**

## 2. Talmudic Site - Zoning Map Change

An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For Parcels Of Land Adjacent To What Is More Commonly Known As The "Talmudic University," More Particularly Described In The Legal Description Attached As Exhibit "A" Hereto, From The Current Zoning Classification GU, "Government Use District," To The Proposed Zoning Classification RM-2, "Residential Multi-Family Medium Intensity," Providing For Codification, Repealer, Severability And An Effective Date.

**10:10 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

(First Reading on January 15, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3844 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Wolfson; Ballot vote: 7-0. **Thomas Mooney to handle.**

## Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 862, published February 20, 2014
2. The Miami Herald Neighbor's Section Ad No. 863, published February 20, 2014
3. Email from Gayle Durham dated February 28, 2014 to Mayor and City Commission RE: WAVNA opposes commercialization RM-2.

**10:28:05 a.m.****R5B Alton Road Historic District Buffer Overlay**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. **10:25 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use & Development Committee/Requested by City Commission)

(Legislative Tracking: Planning Department)

(First Reading Public Hearing on February 12, 2014)

**ACTION: Item opened and continued to April 23, 2014 after 5:00 p.m.** Motion made by Commissioner Weithorn to open and continue to April 23, 2014 after 5:00 p.m.; seconded by Commissioner Grieco; Voice vote: 7-0. **Rafael Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

## Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 862, published February 20, 2014
2. The Miami Herald Neighbor's Section Ad No. 864, published February 20, 2014
3. E-mail from Alex A. David dated March 4, 2014 in reference to the proposed medians in Alton Road.

**10:46:40 a.m.****R5C Building Department Permit Fees**

An Ordinance Amending Chapter 14 Of The City Code, Entitled "Building Regulations," By Amending Article II, Entitled "Construction Standards," By Amending Division 2, Entitled "Permit Fees," By Amending The Following Sections Therein, To Wit: Section 14-61, Entitled "Permit Fees, Generally"; Section 14-62, Entitled "Building Permits"; Section 14-63, Entitled "Plumbing Permits"; Section 14-64, Entitled "Electrical Permits"; Section 14-65, Entitled "Mechanical Permits"; Section 14-66, Entitled "Annual Facility Permit"; Section 14-67, Entitled "Forty-Year Building Recertification Program"; Section 14-68, Entitled "Occupant Content Sign"; Section 14-70, Entitled "General Information"; Section 14-71, Entitled "Temporary Structure"; To Provide For Express Permits, Phase Permits, Private Provider Fee Discounts, Permit Fee Reductions And Refunds, And To Provide For A More Efficient, Effective, And Transparent Way To Assess Fees For Building Permit Services, And By Amending Corresponding Portions Of Division 2 Of Appendix A Of The City Code, Entitled "Permit Fees," Relating To Building, Plumbing, Electrical, And Mechanical Work, And Other Building Department Activities; Providing For Repealer, Severability, Codification, And An Effective Date. **10:40 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Joy Malakoff)

(Legislative Tracking: Building)

(First Reading on February 12, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3845 adopted.** Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 6-0; Absent: Commissioner Wolfson. **Mariano Fernandez to handle.**

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 862, published February 20, 2014

**10:51:13 a.m.****SUPPLEMENTAL MATERIAL 1 – Resolution and Attachment****R5D Resort Tax Ordinance**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 102 Entitled "Taxation," By Amending Article IV Entitled "Resort Tax," By Amending Division 4 Entitled "Tax," By Amending Section 102-314 Entitled "Penalties And Interest," By Amending Subsection (f) Thereof (And Including The Corresponding Amendment To Appendix "A" Thereto), Regarding The Establishment Of A Fixed Late Reporting Penalty For Annual Returns Filed Late, Where No Tax Is Due; Providing For Codification; Repealer; Severability; And An Effective Date. **10:50 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Finance Department)

(First Reading on February 12, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3846 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Patricia Walker to handle.**

Mayor Levine originally recorded as absent returned to the dais and requested to be recorded as a "yes" vote.

## Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 862, published February 20, 2014

**11:03:1 a.m.**

R5E An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Section 2-27, Entitled "Reserved," To Create A 5/7th Vote Requirement For The Creation Of Agencies, Boards And Committees; Providing Exceptions Thereto; And Providing For Repealer, Severability, Codification, And An Effective Date. **11:00 a.m. Second Reading Public Hearing**

(Sponsored By Commissioner Deede Weithorn)  
(Legislative Tracking: City Attorney's Office)  
(First Reading on February 12, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3847 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Vice-Mayor Steinberg; Ballot vote: 7-0. **City Attorney's Office to handle.**

Commissioner Weithorn explained that this ordinance will make it more difficult to create new committees by requiring a 5/7 vote of the City Commission.

## Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 862, published February 20, 2014

**11:17:48 a.m.**

R5F Fire And Police Pension Ordinance

An Ordinance Amending Part I, Subpart B, Article IX, Related Special Acts, Of The Miami Beach City Code Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments"; Implementing Provisions Of The 2012-2015 Collective Bargaining Agreements Between The City And Fire Fighters Of Miami Beach, (IAFF) Local 1510, And Miami Beach Fraternal Order Of Police, William Nichols Lodge No. 8 (FOP); Implementing Recommendations Of The Budget Advisory Committee, A Memorandum Of Understanding And Other Changes; Amending Section 63 Entitled "Source Of Monies For Fund; Computation Of Liability; Use And Investment Of Fund"; "Service Record"; And Amending Section 66 Entitled "Service And Disability Benefits Generally"; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **11:10 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Human Resources)  
(First Reading on February 12, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3848 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Wolfson; Ballot vote: 7-0. **Sylvia Crespo-Tabak to handle.**

## Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 862, published February 20, 2014
2. The Miami Herald Neighbor's Section Ad No. 865, published February 20, 2014

**11:35:35 a.m.****R5G RM-2 Hotel Office Uses**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations" Article II "District Regulations," Division 3 "Residential Multifamily Districts," Subdivision IV "Residential Multifamily, Medium Intensity," Section 142-212, "Main Permitted Uses," To Expand The Allowable Uses In The RM-2 District To Include Certain Types Of Office Uses That Are Associated With Nearby Hotels On Collins Avenue; Providing For Repealer; Severability; Codification; And An Effective Date. **11:30 a.m. Second Reading Public Hearing**

(Sponsored by Commissioner Deede Weithorn)

(Legislative Tracking: Planning)

(First Reading Public Hearing on February 12, 2014)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3849 adopted.** Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 6-0; Absent: Commissioner Tobin. **Thomas Mooney to handle.**

Thomas Mooney, Acting Planning Director, explained that the ordinance has been approved on first reading, and it basically allows offices that are incidental and customary to a hotel in the RM-3 district that are fronting Collins Avenue to be located within the RM-2 district, as long as are within 1200 feet of the hotel.

Commissioner Weithorn moved the item; seconded by Commissioner Grieco.

## Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 862, published February 20, 2014

**11:42:30 a.m.****R5H RM-2 Accessory Office Uses For Bay Front Apartments**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations" Article II "District Regulations", Division 3 "Residential Multifamily Districts", Subdivision IV "Residential Multifamily, Medium Intensity," Section 142-213, "Conditional Uses," To Expand The Conditional Uses In The RM-2 District To Include Certain Types Of Non-Medical Office Uses For Bay Front Apartment Buildings; Providing For Repealer; Severability; Codification; And An Effective Date. **11:40 a.m. First Reading, Public Hearing**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Public Hearing held. **Ordinance approved on first reading. Item referred to the Land Use and Development Committee between first and second reading.** Second reading and Public Hearing scheduled for April 23, 2014 after 5:00

p.m. Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Wolfson; Ballot vote: 7-0. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to place on the committee agenda and to handle.**

**REFERRAL:**

Land Use and Development Committee

Pursuant to Section 2-13 of the Code, motion made by Commissioner Wolfson to accept the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Malakoff; Voice vote 6 0; Absent: Commissioner Weithorn.

**TO DO**

- ✓ Referred to the Land Use and Development Committee.
- ✓ Commissioner Wolfson: there should be parking with a conditional use.

Thomas Mooney, Acting Planning Director, introduced the item.

Arthur Boyle spoke.

Discussion held.

The following individuals spoke:

Christine Florez, President of the West Avenue Homeowners Association (WAVNA)

Alex Tachmes, Esq.

Mike Hammond

Gail Durham

Discussion continued.

Commissioner Grieco requested to refer the item to the Land Use and Development Committee before second reading, in order not to delay the process.

Discussion continued.

**Amendment:**

Commissioner Wolfson will approve the item with the caveat that there should be parking in the conditional use.

Commissioner Wolfson stated that for second reading he would like to see people from the building, because he does not feel comfortable.

Handouts or Reference Materials:

1. The Miami Herald Neighbor's Section Ad No. 867, published February 26, 2014.

**9:51:25 a.m.****R5I Minimum Unit Sizes For Historic Hotels In Commercial Districts**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations", Article II, "District Regulations", Section 142-306, "Development Regulations" To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The CD-2 District; And By Amending Section 142-337, "Development Regulations And Area Requirements" To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The CD-3 District; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for April 23, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, a motion was made by Commissioner Malakoff to accept the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Weithorn; Voice vote 7-0.

**9:57:00 a.m.****R5J Boat Docks And Marine Structures**

An Ordinance Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-113, "Limitation On Projection Of Structures; Public Hearing," And Chapter 142, "Zoning Districts And Regulations," Section 142-1132, "Allowable Encroachments Within Required Yards," Modifying The Procedures For Approval Of Docks That Extend Beyond The Permitted Distance Into A Waterbody; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading**

(Sponsored by the Land Use and Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Malakoff to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second reading and Public Hearing scheduled for April 23, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, a motion was made by Commissioner Malakoff to accept the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Grieco; Voice vote 7-0.

Thomas Mooney, Acting Planning Director, stated that this is an ordinance that originally came from the Planning Board. Under the current Code, the City Code requires Planning Board approval for certain projections of boat docks and marine structures that exceed 10% of the width of a canal or 40 feet, and the Planning Board typically reviews these projections mandated by DERM. These docks have to project far for environmental issues. The Planning Board suggested,

because these were becoming common, that perhaps they should be reviewed administratively, if they are being approved by the State and the County, and that is what this particular ordinance does. The Planning Board retains jurisdiction only on boat dock projections in the WD district.

Commissioner Tobin stated he receives complaints from residents from the North-end when large boats anchor behind their homes. The Planning Board does not spend much time reviewing this issue and he will vote "no."

Discussion held.

Commissioner Malakoff stated that it takes a lot of time, and the Planning Board's hands are tied between DERM and the State Department of Environmental Protection. DERM regulates it strongly because of the sea grass. She agrees with Commissioner Tobin, but the City does not have any choice; these agencies overrule the City. She motioned to approve the ordinance including the Yacht and Brokerage Show where Indian Creek continues under the purview of the Planning Board.

Discussion continued.

Thomas Mooney, Acting Planning Director, stated that the Planning Board cannot control DERM (Department of Environmental Resources Management).

**10:03:16 a.m.**

**2:41:30 p.m.**

R5K Prohibit Advertisement Of Short Term Rentals/Commercial Use In Residential Zoning Districts  
An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending The Definitions Therein, And By Adding New Subsection (c)(1)d, Which Prohibits Advertising Of Unlawful Occupancy And Use; By Amending Subsection (c)(2), Which Removes The Limitations On Enforcement; By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Adding New Subsection (b)(5)a Which Prohibits The Advertisement For The Lease Of Single Family Homes For Less Than Six Months And One Day, By Adding New Subsection (b)(5)b, Which Provides The Enforcement For A Violation Of Section (b)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Section (A) To Prohibit The Advertisement Of Short Term Rental Of Apartments Units Or Townhomes; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Edward L. Tobin)

(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading as amended and **referring the valet services portion to the Land Use and Development Committee**. Motion made by Commissioner Tobin to approve the Ordinance; seconded by



Commissioner Malakoff; Ballot vote: 7-0. Second reading and Public Hearing scheduled for April 23, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to place on the committee agenda and to handle.**

**REFERRAL:**

Discuss Valet Services at Land Use & Development Committee

**Amendment:**

\$7,500 fine increased to \$10,000

**TO DO**

- Refer to the Land Use and Development Committee the portion of the valet service.
- Review language for legal short-term rentals.

Commissioner Tobin stated that there are certain commercial houses on Pine Street Drive, which rent short-term and are essentially party houses. The City Attorney's Office said that it is difficult for them to prosecute these types of cases because the way the current ordinance is written. For example, the City Attorney's Office has to get the out of town lessee to come and testify in order to successfully prosecute a case; because of this and other matters, it is difficult to undertake these cases. Commissioner Tobin thinks the proposed ordinance is a good start, but it should be drafted like a drug conspiracy statute.

Mayor Levine agrees with Commissioner Tobin.

Commissioner Malakoff offered some recommendations to put more teeth to this ordinance. In the past, the fines have been too low; she stated that if the violation is the fifth or greater over the preceding twelve months, instead of \$7,500, the fine should be \$10,000.

Mayor Levine stated that these fines are too low and the City needs to be more aggressive.

Commissioner Grieco stated that this is a great first step. However, the City Attorney's Office has to be cautious when going after people that are in alleged violation of this ordinance. The City Attorney's Office must be able to prove who actually placed the advertisement. Who is to say that the homeowner next door is not the one that is trying to set his competitor up for fines by placing such advertisements? He brought this issue up at Agenda Review, as this proposed ordinance sets one person's word against another. It may be difficult to enforce. He thinks it is great that they are doing this, since short-term rentals is something that came up repeatedly as he was knocking on doors last year during the election, and is the source of repetitive complaints.

Jose Smith, City Attorney, stated that this proposed ordinance is amending three separate ordinances; one deals with the party house scenario or what they call the commercial use of single-family homes. Under the penalty provisions, the fines go up to \$20,000. He explained that what Commissioner Malakoff is referring to are the other two ordinances, one dealing with short-term rentals in single-family homes, and also the short-term rentals in the Flamingo Park area where she feels it should be increased from \$7,500 to \$10,000. He added that there is a provision in the Flamingo Park Neighborhood area that states that if the short term rentals go beyond the five or six violations they will actually lose the permit to engage in that activity.

Mayor Levine asked if the City could cut off the water. The City needs to get creative.

Commissioner Weithorn stated that the City could involve the Fire Department and have a stricter Fire Code.

Motion made by Commissioner Tobin to adopt the ordinance; seconded by Commissioner Malakoff.

Discussion continued.

Motion made by Commissioner Malakoff to refer to the Land Use and Development Committee to review the valet service portion of the ordinance to be more specific. Discussion continued.

Eric Zichella suggested that they go out to the sub-letters.

Jose Smith, City Attorney, stated that the word lessee would be added to the language. Discussion continued.

**2:41:30 p.m.**

Commissioner Tobin requested to make a comment on item R5K that was heard in the morning. He explained that there are individuals that area lawfully allowed to do short-term rentals, such as temple houses, etc. He wants to make sure that his ordinance will not have any unintended consequences by prohibiting those matters that are lawful. He wants to make sure this issue is reviewed between first and second reading.

Jose Smith, City Attorney, stated that there is no intent to go after people that advertise for legal rentals.

Commissioner Wolfson asked if the ordinance specifically says that this will not apply to individuals that can legally operate short-term rentals.

Jose Smith, City Attorney, stated that it is not stated specifically this way but it is legal.

Mayor Levine requested that the language be reviewed between first and second reading. **City Attorney's Office to handle.**

**10:17:49 a.m.**

R5L An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including December 31, 2014; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**  
(Sponsored by Commissioner Deede Weithorn)  
(Legislative Tracking: Parks & Recreation)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Weithorn to approve the Ordinance; seconded by Commissioner Grieco; Ballot vote: 7-0. Second reading and Public Hearing scheduled for April 23, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **John Rebar to handle.**

**TO DO**

LTC informing of the date when the project is expected to be concluded.

Commissioner Weithorn is not happy with the December date.

John Rebar, Parks and Recreation Department Director, explained that staff was given a deadline to go back and identify an area discussed by SOFNA and to come up with a plan. They immediately discussed with the architect working on the current South Pointe Park remediation plan, and the area identified was at the dead end of Washington Avenue, for a possible permanent off-leash dog area. They took into consideration that a fence was not wanted, but an off-leash area with a barrier was needed. They are also conscious of heights, due to concerns with the previous plan as to how high the vegetation would be. He made reference to an architectural rendering that shows a band of native vegetation measuring 30 inches or lower in height and three to 15 feet wide, to avoid dogs from jumping. This would be a natural barrier and it is scheduled to go in front of the DRB in May for approval.

In answering Commissioner Weithorn's question, he continued that if the item is approved by DRB in May, it will be authorized then to become part of that project. Depending on the approvals and where the contractor is with the current remediation, he was not sure how quickly the construction company could get back to that area, but he just selected an estimated date to give enough time to get through the process.

Commissioner Weithorn requested that the Commission be informed via LTC of the date when the project is expected to be concluded, because she will love to beat that December date. **John Rebar to handle.**

**10:21:07 a.m.**

R5M An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 30, Entitled "Code Enforcement," By Amending Article III, Entitled "Enforcement Procedure," By Amending Section 30-77, Entitled "Appeals," By Creating A Uniform Appellate Process For Appeals Of City Code Violations To The Special Master, And Providing Appeal Requirements And Penalties For Non-Compliance; By Amending Chapter 46, Entitled "Environment," By Amending Article III, Entitled "Litter," And Article IV, Entitled "Noise," By Amending Sections 46-92 And 46-159, Respectively, To Incorporate The New Special Master Appellate Procedures Set Forth In Section 30-77(A); By Amending Chapter 70, Entitled "Miscellaneous Offenses," By Amending Article III, Entitled "Graffiti," By Amending Section 70-123 To Incorporate The New Special Master Appellate Procedures Set Forth In Section 30-77(A); And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**  
(Sponsored by the Neighborhood/Community Affairs Committee)  
(Legislative Tracking: City Attorney's Office)

**ACTION 1: Ordinance rejected.**

**ACTION 2: Resolution No. 2014-28523 adopted.** Motion made by Commissioner Wolfson to draft a resolution giving guidance to the Office of the City Clerk to provide a useful form to be used in appeals as a guide, but it is not a requirement; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. **City Attorney's Office to handle.**

Jose Smith, City Attorney, stated that this ordinance would codify a form that residents will use when appealing a violation to the Special Master. Several Code sections provide different ways of appealing a Code violation and this provide a uniform notice of appeal like it is used in legal proceedings.

Debora Turner, First Assistant City Attorney, explained the item.

Commissioner Wolfson has a concern with requiring individual citizens to complete a specific form for filing an appeal. A citizen should be able to request an appeal without so many restrictions.

Commissioner Grieco suggested that the appeal form should be given with the violation.

Discussion continued.

Commissioner Wolfson suggested requiring the City Clerk to provide a form. **Office of the City Attorney to handle.**

Commissioner Grieco suggested creating a recommended form.

Commissioner Weithorn asked if they need an ordinance for a recommended form.

Commissioner Wolfson stated to create a form and attach it to the violation. **Office of the City Attorney and Hernan Cardeno to handle.**

Discussion continued.

Motion made by Commissioner Wolfson to draft a resolution giving guidance to the Office of the City Clerk to provide a useful form to be used in appeals as a guide, but it is not a requirement; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. City Attorney's Office to handle.

**10:30:05 a.m.**

R5N RM-2 Oceanfront Height Regulations

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts" By Amending Section 142-217 Regarding Maximum Building Height And Maximum Number Of Stories For Oceanfront Lots With A Property Line Within 250 Feet Of North Shore Open Space Park; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by Commissioner Jonah Wolfson)  
(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading. Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote 7-0. Second reading and Public Hearing scheduled for April 23, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Commissioner Wolfson explained that this is an item regarding development in North Beach. Development in North Beach is very exciting. It is exciting to hear somebody putting these types of resources into the north end, they have committed to improving the public space and Commissioner Wolfson just thinks it behooves them to not help them.

Thomas Mooney, Acting Planning Director, explained the item. This ordinance was recommended last Tuesday by the Planning Board unanimously. Currently on Oceanfront lots in the RM-2 Districts, the maximum height limitations are six stories - 60 feet. This particular parcel, which is adjacent to North Shore Park, would be embarking on a significant project, and in order to maximize the site, they propose amending the Code to raise the maximum height to 21 stories and 250 feet. Given that a number of the oceanfront parcels to the south already are allowing 200 feet, this was something that was consistent with that and the Administration is recommending approval.

Commissioner Tobin stated that they are going to raise the height to 250 feet in front of North Shore Open Space Park, from the current 60 feet, where now you can build 250 feet.

Commissioner Tobin commented that there are a bunch of low rises on Ocean Terrace that have been there for a long time and the prices were sky high because the people were under the impression that the City required a referendum to increase height. Commissioner Tobin inquired from Mr. Mooney if all those properties on Ocean Terrace could be fair game for high-rises, under the same or similar ordinance.

Mr. Mooney explained that it would not apply to this Ordinance, because those property are zoned MXE, but they are looking at creating an overlay district that would affect Ocean Terrace, that could potentially allow for higher heights in that area.

Commissioner Tobin stated that if they are going to activate the extra FAR throughout the City, they must look at the Coastal Community study on traffic, which stated that they are at gridlock at certain times of the day, north and south. If they are going to add these thousands of people, they are going to have to seriously consider a rapid transit and beefing up their infrastructure. They must act with a Master Plan.

Commissioner Wolfson thanked Thomas Mooney for his work.

**10:35:03 a.m.**

R5O RM-3 Oceanfront Setbacks for Detached Structures and ADA Walkways  
An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 3 "Residential Multifamily Districts" By Amending Section 142-247, "Setback Requirements," Regarding Setback Requirements For Detached Additions In Oceanfront Lots Located Within The Miami Beach Architectural District; By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 4 "Supplementary Yard Regulations," Section 142-1132, "Allowable Encroachments In Required Yards," Regarding Americans With Disabilities Act (ADA) Walkways And Ramp Structures With Awnings In Side Yards; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading**  
(Sponsored by the Land Use and Development Committee)  
(Legislative Tracking: Planning)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading as amended. Motion made by Commissioner Grieco to approve the Ordinance as amended; seconded by Commissioner Malakoff; Ballot vote: 7-0. Second reading and Public Hearing scheduled for April 23, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion made by Commissioner Weithorn to accept the Land Use and Development Committee's recommendation of this Ordinance; seconded by Commissioner Wolfson; Voice vote 7-0.

**Amendment:**

Include language that "an awning or other appropriate coverage be provided" above walkways up the ramp and to the lobbies of hotels.

Commissioner Malakoff stated that they have discussed this at great length, and she believes it is a very good ordinance to go forward. Commissioner Malakoff would make one additional suggestion in order to protect handicap citizens. The ADA walkways that go from the ramp, up the ramp to the lobbies of these hotels, it says, "as applicable, an awning maybe provided." It should be an "awning or appropriate covering." Commissioner Malakoff is recommending the change because it does not have to be an awning; it could be another type of cover just to protect people from the rain or the elements of the weather in South Florida.

Motion made by Commissioner Grieco to approve the ordinance as amended; seconded by Commissioner Malakoff; Ballot vote: 7-0.

**10:37:40 a.m.**

**NEW TITLE:**

R5P An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Entitled "Miscellaneous Offenses," By Amending Article II, Entitled "Public Places" To Prohibit Motorized Means Of Transportation On The Beachwalk Between 15th To 23rd Streets And Between 64<sup>th</sup> To 79<sup>th</sup> Streets, And On The Lummus Park Promenade (Also Known As The Lummus Park Serpentine Walkway) Between 5<sup>th</sup> And 15<sup>th</sup> Street; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Jonah Wolfson)

(Legislative Tracking: City Attorney's Office)

**ACTION:** Title of the Ordinance read into the record. Ordinance approved on first reading as amended. Motion made by Commissioner Wolfson to approve the Ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. Second reading and Public Hearing scheduled for April 23, 2014. **Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda if received. **City Attorney's Office to handle.**

**TO DO**

1. Updated map provided to the retailers showing where Segways are allowed.
2. Signage must be up-to-date when this ordinance goes into effect.
3. Bring Administrative Regulations to the next meeting to review them and determine if it needs to increase the liability insurance on the owners.
4. Have Code Enforcement go to the retailers and check that they have the liability insurance, and if they do not have it, close them down.

Rafael E. Granado, City Clerk, read the amended title of the ordinance into the record.

Commissioner Wolfson is excited about this, and thanked the City Attorney's Office for doing it so fast, he is happy this is happening. He moved the ordinance.

Commissioner Weithorn asked that the Ordinance be amended to include City Hall. Jose Smith, City Attorney, stated that City Hall is included. Commissioner Weithorn stated that there should be better enforcement.

Jose Smith, City Attorney, stated that along with the original ordinance the City enacted Administrative Regulations that provide insurance requirements and information requirement from the dealers.

Commissioner Grieco asked if this is enforceable.

Discussion held.

Jose Smith, City Attorney, stated that they need to review the regulations.

Commissioner Grieco asked if an updated map could be provided to the retailers showing where Segways are allowed. He added that Code Enforcement needs the tools to enforce this. **City Attorney's Office and Hernan Cardeno to handle.**

Vice-Mayor Steinberg requested that the signage be up-to-date, informing where Segways are not authorized. **Eric Carpenter to handle.**

Commissioner Wolfson added that by the time this ordinance goes into effect the signage should reflect where the Segways are allowed or not allowed **Eric Carpenter to handle.**

Jose Smith, City Attorney stated that they will bring the regulations to the next Commission meeting to review them, and if the City needs to increase the liability insurance on the owners it can be done at that time. **City Attorney's Office to handle.**

Commissioner Wolfson asked the City Manager to have Code Enforcement go to the retailers and check that they have the liability insurance, and if they do not have it close them down. **Hernan Cardeno to handle.**

Jimmy L. Morales, City Manager, stated that staff would make sure that there is proper enforcement, a map will be distributed and signage will be reviewed.

Commissioner Wolfson stated that the Code Department is doing a great job, but asked for them to have the money and workforce to do their job.

**City Clerk's Note:** Title read as amended.

Handouts or Reference Materials:

1. Revised Ordinance

## **R7 - Resolutions**

**11:33:58 a.m.**

### **SUPPLEMENTAL MATERIAL 1 – Resolution and Attachment**

R7A A Resolution Adopting The Third Amendment To The Capital Budget For Fiscal Year (FY) 2013/14. **11:20 a.m. Public Hearing**  
(Budget & Performance Improvement)

**ACTION:** Public Hearing held. **Resolution No. 2014-28524 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Steinberg; Voice vote: 6-0; Absent: Commissioner Tobin. **John Woodruff to handle.**

John Woodruff, Budget & Performance Improvement Director, introduced the item.

Director Woodruff stated that there are three projects that are affected by this third amendment to the Capitol Budget: The first one is for the three pump stations on 6, 10 and 14 Streets, and is related to the item approved at the February 12, 2014 Commission meeting; and this action puts the budget in place. The second is for Ocean Rescue lifeguard stands. There are a few replacements projects that are on hold pending the final decision of the Convention Center and the Administration is proposing to realign the funds and repaint the lifeguard stands in time for high season. Third, the additional one percent (1%) resort tax cannot be implemented until the design built contract is awarded, so this item covers the soft costs to the project until the additional tax is in place and keeps everything on track.



**10:52:31 a.m.**

R7B A Resolution Adopting The 2014 Update To The Key Intended Outcomes In The City Of Miami Beach's Strategic Plan; And Guiding The Design Of Programs And Services As Set Forth Herein.  
(City Manager's Office)

**ACTION: Resolution No. 2014-28525 adopted.** Motion made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **Kathie G. Brooks to handle.**

Kathie G. Brooks, Assistant City Manager, explained the item. At the retreat with the facilitator, the Commission worked through the revisions of the Strategic Plan, and the Commission voted preliminarily at the retreat to revise the key intended outcomes and the Strategic Plan objectives and priorities. This item is here now at the full Commission meeting to implement them and make them part of your Strategic Plan.

**10:53:29 a.m.**

Ms. Brooks announced a Scribner's error on page 466 of the agenda; there are two KIOs that should have a bullet in between. To wit:

- Complete a Community Consensus Cohesive Master Plan for the North Beach Neighborhood;
- Improve Cleanliness in High Traffic Residential and pedestrian Areas, including maximizing deployment of trashcans on every corner.

City Manager Morales added that trash cans are not just a North Beach issue but also a Citywide issue.

**10:54:28 a.m.**

R7C A Resolution Setting A Public Hearing On April 23, 2014 To Adopt The Second Amendment To The General Fund, Enterprise Fund, Internal Service Fund And Special Revenue Fund Budgets For Fiscal Year (FY) 2013/2014.  
(Budget & Performance Improvement)

**ACTION: Resolution No. 2014-28526 adopted.** Motion made by Commissioner Weithorn; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. Rafael E. Granado to notice. Lilia Cardillo to place on the April 23, 2014 Commission Agenda if received. **John Woodruff to handle.**

Jimmy L. Morales, City Manager, introduced the item. There are about \$89,000 in confiscation funds to be added to the budget. This item sets the public hearing needed to accomplish this.

**10:55:22 a.m.**

R7D A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Guaranteed Maximum Price (GMP) Amendment No. 1 To The Pre-Construction Services Agreement With Thornton Construction Company, Inc., Dated September 16, 2013, For Construction Management At Risk Services For The Scott Rakow Youth Center Ice Skating Rink, Mechanical Repairs, And Building Renovations Project, In The Amount Of \$1,175,220 Plus A Five Percent Owner's Contingency In The Amount Of \$58,761; For A Grand Total Amount Of \$1,233,981 With Previously Appropriated Funding In The Amount Of \$213,849 From Fund 383 GO Bonds – Parks And Beaches; And \$1,020,132 From Fund 302 Pay-As-You-GO.

(Capital Improvement Projects)

**ACTION: Resolution No. 2014-28527 adopted.** Motion made by Commissioner Wolfson; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. **David Martinez to handle.**

#### **TO DO**

Staff will sit with CIP Director David Martinez and come back with what can be done easily, and what will take time to do.

David Martinez, CIP Director, introduced the item. This is the recommendation to approve and authorize the execution of guarantee maximum price (GMP) amendment number one for preconstruction services agreement with Thornton Construction for \$1.2 million to reconstruct the Scott Rakow ice rink mechanical system. This item came up at the last meeting and the discussion revolved around the renovations and they looked at that in detail and parts with the consultant; they feel that they should continue with the construction as they have it on the contract, and bring it back and do a feasibility analysis, incorporating many of the elements that would not be affected with them proceeding with this construction.

Commissioner Tobin stated to be very sure that when he says, "will not be affected," and once they start to turn dirt on this aspect of the project without the architect plans as to how they are going to reconfigure the interior, he cannot imagine that it will not cost extra. He would rather have him do everything at once, or at least have a plan before they start.

David Martinez, CIP Director, explained what they are doing right now. The primary element of the scope of work that they are doing is the heating ventilation AC system for the ice rink portion of the project; and in that, they are replacing some of the wall systems that were affected by the humidity. Therefore, it is not changing the footprint. It is not modifying anything as to what it looks like today. They have looked at some interim possibilities of some showers in a couple of locations, and there are too many unknowns.

Commissioner Tobin stated that he does not think that showers are needed, but a place to put on and take off skates so people do not get wet is needed. Right now, they need to walk through a wet area, so there is reconfiguring that could be done that is simple and maybe even a party room for the kids to gather. Commissioner Tobin cautioned to make sure that they have somebody on it and that they do it right.

Jimmy L. Morales, City Manager, stated that staff will sit with David Martinez and come back with what can be done easily, and what will take time to do.

Jimmy Morales, City Manager, stated to Mr. Martinez that none of the suggestions would affect what they are doing with mechanical. Mr. Martinez concurred.

Commissioner Wolfson asked what kind of time frame do they have coming back to do small reconfigurations to fix stuff.

Mr. Martinez inquired if the direction is to have an overall feasibility analysis of the ice rink itself in terms of functionality and come back with a recommendation, which goes outside the envelope of the building.

Commissioner Wolfson responded "no." If that were the case, then they would be talking real money to go outside the envelope of the building. What the Commissioner is suggesting are small things to make it better.

Mr. Martinez stated that he does not believe that it is feasible to work these changes into the deal.

Discussion continued.

Motion made by Commissioner Wolfson to approve the item and come back with more details of what can be done at the next meeting. **David Martinez to handle.**

**11:04:22 a.m.**

R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To The Existing Professional Services Agreement Between The City Of Miami Beach And Schwebke-Shiskin & Associates, Inc. For Re-Design And Permitting Phase Services Associated With The Enhanced Stormwater Criteria For The Venetian Islands Bid Package 13C Right-Of-Way Neighborhood Improvement Project; In The Negotiated Not-To-Exceed Amount Of \$192,814 Plus An Amount Of \$9,000 For Reimbursables; For A Total Amount Of \$201,814; With Previously Appropriated Funding.

(Capital Improvement Projects)

**ACTION: Resolution No. 2014-28528 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice vote: 7-0. **David Martinez to handle.**

David Martinez, CIP Director, introduced the item. This is the result of the direction that the City has taken with the upgrading of the storm water criteria. This will allow the engineer to redesign the plans and incorporate all of the newly adopted criteria related to the amount of rainfall and the resulting pump stations. The project is under construction right now, they are working on water main; they have met with the consultant and they will begin working into the project immediately without delaying construction.

**9:02:51 a.m.**

R7F A Resolution Waiving, By 5/7ths Vote, Competitive Bidding, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Negotiate An Agreement For The Management And Operation Of The City's Flamingo And North Shore Park Tennis Centers With Miami Beach Tennis Management, LLC And, If Successful, Further Authorizing The City Manager To Bring The Final Negotiated Agreement Back To The City Commission For Approval.  
(Parks & Recreation)

**ACTION: Resolution rejected.** Motion made by Commissioner Wolfson to rescind the rejection of all bids made at the September 2013 Commission Meeting; reinstate the process that occurred back then, and requesting the Administration to distribute to the City Commission the bids and information associated for consideration between today and when the item comes back; Commissioner Malakoff seconded the motion; Voice vote: 7-0. **John Rebar and Alex Denis to handle.**

Commissioner Weithorn recused herself.

Mayor Levine requested that the City Manager give a review as to what happened last month and his recommendation of this process.

Jimmy L. Morales, City Manager, explained that the item was brought in front of the City Commission with a verbal recommendation not to waive the bid and to reinstate the procurement process. There was a series of votes by the City Commission, one not to go out for competitive process, and another one to award to Howie Orlin; in the afternoon, there was a procedural concern, as the Code requires written notification of the City Manager. The motion made then was to have a vote of intent, but not a binding vote, therefore, this item is in front of this Commission to take action - either to waive the award or rescind and go back to the procurement process, or take any other appropriate action as deemed properly. The City Manager explained that the process was fair and thorough; it went through an evaluation committee with expertise, and he stands by his recommendation.

Mayor Levine asked the City Attorney what is the process to follow, if their decision is not to waive competitive bidding but go back review and re-vote on that process, utilizing the standards and bidding that happened at the September 2013 meeting, but allow the Commission to have a vote at the next meeting.

Jose, Smith, City Attorney, explained that if the sentiment is to revisit what the City Commission did in September 2013, then the motion will be to rescind that vote that occurred at that time; and basically, that procurement that was in effect at that time would be reinstituted, and this Commission will be able to proceed with the process. It will null and void the decision of that City Commission action back in September 2013.

Discussions held.

Jose, Smith, City Attorney, added that there is some confusion about a motion to reconsider and a motion to rescind. He clarified that a motion to reconsider has to take place at the same meeting when the action takes place or at the next subsequent meeting. A motion to rescind may be made at a subsequent meeting, provided that no one has detrimentally relied on the prior action.

Motion made by Commissioner Wolfson to rescind the rejection of all bids made at the September 2013 Commission Meeting, and reinstate the process that occurred back then, and requesting the Administration to distribute to the City Commission the bids and information associated for consideration between today and when the item comes back. Commissioner Malakoff seconded the motion.

Vice-Mayor Steinberg wants to make sure that the right process is being followed, and that every person has the chance to make a presentation to the City Commission to make a holistic decision regarding tennis.

Discussion continued.

Raul Aguila, Chief Deputy City Attorney, reminded the City Commission that if the motion is adopted, the Cone of Silence goes into effect. Mr. Aguila stated that they can ask for presentations, but they have copies of the evaluation committee hearing, and he is concerned about people making a different presentation from what was used in the evaluation committee hearing.

Mayor Levine clarified that they will utilize the exact evaluation materials presented last year, they are rescinding the rejection, they will relook at all the materials, and revote. They will listen to public comment if any at the next Commission Meeting and they will take action accordingly.

Jimmy L. Morales, City Manager, stated that he prefers this process.

Handouts or Reference Materials:

1. Email from David R. Custin, dated March 1, 2014, RE: R7F – Waive Bidding Management of City's Flamingo & North Shore Park Tennis Centers in support of item.
2. Form 8 B filed by Commissioner Deede Weithorn

**R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.  
(City Clerk's Office)

**ACTION:** The following changes and appointments were made:

**BUDGET ADVISORY COMMITTEE:**

Stephen G. Hertz                Resigned 2/26/2014

**DISABILITY ACCESS COMMITTEE:**

Lawrence Fuller	Term ending 12/31/2015	Appointed by Commissioner Steinberg	TL 12/31/21
Susana Maroner Rivera	Term ending 12/31/2014	Appointed by Commissioner Steinberg	TL 12/31/21

**FINE ARTS BOARD:**

Mario Coryell                Term ending 09/30/2014                Appointed by Commissioner Wolfson

**MARINE AUTHORITY:**

Robert Schwartz                Term ending 12/31/2014                Appointed by Commissioner Malakoff                TL 12/31/19

**PARKS AND RECREATIONAL FACILITIES BOARD**

Dana Turken - Scott Rakow Youth Center	Term ending 12/31/15	Appointed by City Commission	TL 12/31/19
Stephanie Rosen - No. Shore Park Youth Center	Term ending 12/31/14	Appointed by City Commission	TL 12/31/19
David Berger, Tennis	Term ending 12/31/15	Appointed by City Commission	TL 12/31/19
Gail Williams, Golf	Term ending 12/31/15	Appointed by City Commission	TL 12/31/19

**11:10:50 a.m.**

R9A1 Board And Committee Appointments - City Commission At-Large Appointments.  
(City Clerk's Office)

**ACTION:** The following appointments were made to the Parks And Recreational Facilities Board:

Dana Turken	Scott Rakow Youth Center Position
Stephanie Rosen	North Shore Park Youth Center Position
David Berger	Tennis Position
Gail Williams	Golf Position

**Clerk's Note:** These appointments are effective May 31, 2014.

Commissioner Wolfson nominated Dana Turken to the Scott Rakow Youth Center position in the Parks and Recreational Facilities Board. He explained that she is interested in serving in the Board; she has done wonderful things for local schools and has done much community service.

Commissioner Weithorn suggested that Dana Turken serve on the Tennis position on the Board. She asked that Stephanie Lowes, Chair of the Scott Rakow Center board, be nominated to that position instead of Dana Turken.

Discussion held.

Motion made by Commissioner Wolfson to appoint Dana Turken to the Parks and Recreational Facilities Board, in the Scott Rakow Youth Center position; seconded by Mayor Levine; Voice vote: 5-2; Opposed: Commissioners Tobin and Weithorn.

Motion made by Commissioner Weithorn to appoint Stephanie Rosen to Parks and Recreational Facilities Board in the North Shore Park Youth Center position; seconded by Vice-Mayor Steinberg; Voice vote: 7-0.

Motion made by Commissioner Malakoff to nominate David Berger to Parks and Recreational Facilities Board, the tennis position; seconded by Commissioner Tobin. Approved by acclamation.

Motion made by Commissioner Malakoff to appoint Gail Williams to the Parks and Recreational Facilities Board, golf position; seconded by Commissioner Weithorn; approved by acclamation.

Vice-Mayor Steinberg requested deferring the second vote for the tennis and the golf positions to the next meeting. **Item deferred.**

**City Clerk's Note:** Effective May 31, 2014, the Parks and Recreational Facilities Board composition is as follows:

(c) *Composition.* The parks and recreational facilities board shall be comprised of thirteen (13) voting members:

1. Seven (7) direct appointments, one made by the mayor and each commissioner.
2. Six (6) at-large appointments as follows:
  - a.) Two (2) members having an affiliation with the city's youth centers, with one member affiliated with the Scott Rakow Youth Center, and one member with the North Shore Park Youth Center. "Affiliation" with a youth center may be deemed to include a present participation in youth center activities by a member's child/children.
  - b.) Two (2) members who have demonstrated a high degree of interest. participation, and/or expertise in the sport of golf.
  - c) Two (2) members who have demonstrated a high degree interest. participation. and/or expertise in the sport of tennis.

**8:33:05 a.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

**ACTION:** The following individuals spoke:

1. Mark Weithorn, Chair of the Transportation and Parking Committee, informed the City Commission that at their last Committee meeting FDOT presented the plans for the medians at lower Alton Road. The Transportation and Parking Committee has serious problems with the proposals. A letter was sent to the City Commission indicating the Transportation and Parking Committee's concerns. One of the problems is that in four of the intersections FDOT wants to install medians the proposed medians look like pieces of cement. On 67<sup>th</sup> Street and Indian Creek FDOT will place similar medians, and these medians will be there for many years. He asked the City Commission that if they do not want the proposed medians, to speak up against it now. The other problem with the medians is that it prohibits the flow of transportation; mostly delivery trucks, which will be going into the neighborhoods in order to go around the blocks, and he does not think the residents, especially in the Flamingo Park area, understand that. They really wanted something decorative on Lincoln Road, and that did not happen. The designers at FDOT look at functionality not beauty. Therefore, the City ends up getting things like what is being proposed. He strongly urged the City Commission to work with FDOT and fix this problem. Another issue that no one seems to have an answer for, and he asked the City Attorney for an opinion, is that there is a State law prohibits café tables on State roads. The sidewalks on Alton Road are being widened and the Transportation and Parking Committee would like to see café tables there. Mr. Weithorn keeps asking the question if they will be allowed to do that, and no one seems to have an answer. In answering Commissioner Grieco's question as to what recommendations he is making in lieu of the medians, he explained that in the 1500 block of Alton Road there should not be any medians. In the lower parts of Alton Road, there are some places where they can put some medians with foliage and trees, similar to what Sunny Isles did with their medians. North Miami Beach has circulars with trees and landscaping. Similar designs could be adopted for Miami Beach.
2. Dave Carlson asked for two things to improve public safety: 1) Consider an ordinance eliminating bicycles from the sidewalks and 2) Step up enforcement of current traffic laws. He referred to a handout distributed that shows that local ordinances can surpass State laws when it comes to passing such ordinances, as it has been done in Tampa, Orlando, Daytona Beach and Jacksonville. Enforcement of traffic laws in Miami Beach does not deliver. Vehicles do not stop for pedestrians. Jaywalking is a problem. His suggestion would be to send the Police Chief to San Diego and see how a well-trained police department handles traffic laws.

Handout: Article entitled "Are Bicyclist Allowed to Ride of Sidewalks?" by Christopher G. Burns.

3. Josh Suarez, in reference to the previous speaker, stated that Venice Beach has separated pedestrian and cyclists, and that is something Miami Beach would benefit from. However, he is here to talk about the Segways. They met with the previous City Administration about this type of transportation; tourists like it, it is a good way to get around, especially for elderly. Previous City legislation reduced the speed limit of Segways, increased the age limit of Segway users and prohibited Segways in South Pointe Park. The new ordinance proposes to restrict Segways or electric vehicles between 15 and 23<sup>rd</sup>, and that is problematic because the City's two Segway companies are located in that area. This is like prohibiting a cruise ship from using the channel that leads to the ocean. He hopes they can consider a solution that works for all.



4. Marc Carpelson explained that they are all immigrants or descendent of immigrants. His family came from Sweden to America to build a few businesses, but he wanted to pursue his own dream. He would like the Commission to consider what his father told him once: "what the eye cannot see, the heart can see." He commended the City Commission for the expeditious manner in which they implemented the trolley.
5. Hank Corwin spoke about a concern they have on Pine Tree Drive, from 47 Street up to 50 Street, where party houses are proliferating in this single-family home neighborhood. These homes are being converted to commercial enterprises, and are using City services as commercial enterprises. There are specific examples, such as 4777, 4821 and 4949 Pine Tree Drive. He has photographs of the parties going on during the Boat Show. He lives north of there, and when the parties are occurring the music bounces all the way to his home, the traffic is horrible and large numbers of trashcans are left in front of the houses the next morning. He asked for the City Commission to be aware of this and put a stop to this.
6. Steve "Bubba" Cohen described himself as the biggest supporter of the PAL. The one thing he has been fighting for the past years is ensuring that the money the PAL receives is spent appropriately, and he wants to make sure they do right for the kids. He wants to see PAL prosper and the organization getting police officers involved. Where the programs are now and how are they funded? How do they move forward? That is what he wants to see, and before funds are appropriated for the PAL, he wants to know what type of new programming they are planning. There will be a new football coach at Beach High and Principal Donahue will be announcing that shortly.
7. Gil Zriny stated that people follow the City Clerk's procedure to sign up and speak on an item, and in the past the City Clerk and/or the Mayor announces that someone has signed up to speak on that item; however, this did not happen this last meeting. He hopes the procedure was merely overlooked. Regarding the tennis issue he added that it had been politicized.
8. David Morosak stated that the City has the land, space and ability and suggested bringing David Beckham and his proposed soccer team to Miami Beach, since Miami-Dade County is not functioning properly. He announced that he was attacked on January 26 at 11:55 p.m., in front of the Radio Shack. He was assaulted by two vagrants. Something needs to be done about the homeless issues on Miami Beach. No homeless person belongs on this beach, because people are dying, drowning and being jumped.

**1:09:50 p.m.**

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

**ACTION:** The following individuals spoke:

1. Michael Groy is a local business owner and newly elected president of the Alton Road Business Association. This past January he attended a Commission Meeting and asked for help during the construction process. He did not know what to expect, but he is very pleased. The Mayor made a decree to do whatever it takes to help local businesses, and your actions and the actions of your staff were effective and very well received. The Mayor's news that the Alton Road construction project would end by the end of this year is another example of your

exemplary leadership. He wanted to thank the Mayor and City Commission. The newly formed association united under the pressure to survive the construction; however, they are committed ultimately to the betterment of Alton Road. Their goal is to keep the Road moving in the right direction. The members of the association are concerned about the current plans for FDOT to install concrete medians along Alton Road, and they are against their installation. He urged the Commission to stop FDOT from installing the concrete medians, keep Alton Road moving in the right direction, and keep the Commission's efforts and theirs to finish the project as quickly as possible.

2. David Doeblor is a resident and member of the Miami Beach Sustainability Committee; he is known as the guy that kayaks and cleans up the canals on Sunday. One of the reasons he joined the committee last year was to be involved with the City and to make real changes with his issue, which is trash in the waterways. At this point, they do not have a Commissioner who is leading their committee; therefore, they are not meeting and are not taking any activity. He would love to make them aware that they need leadership to continue meeting again and make an impact on this important issue.

Discussion held. Commissioner Weithorn stated that this was Mayor's designee. **Jimmy L. Morales, City Manager, will follow up on this issue with the Mayor.**

**Clerk's Note:** On March 11, 2014, the Office of the City Clerk was notified via e-mail, that Commissioner Grieco was designated by Mayor Levine as the Chair of the Sustainability Committee.

3. Tammy Tibbles mentioned that she was not able to be here for the second reading earlier in the day of the building permits ordinance, but her question is that if she builds a high-end bathroom or deck, and her neighbor builds a similar bathroom or deck, but with less expensive materials, but utilizing the same square footage and exactly the same amount of fixtures, are they going to pay different permit fees? Ms. Tibbles stated that according to the ordinance the answer to her question is "yes." Thus, the City is taxing people at higher rates for exactly the same inspection that is being done in a neighbor's property. The City changed the building permitting fees several years ago for precisely this reason. They collected so much money, in this tax oriented way, that they actually had to discount fees for a number of years in order to pay back all of the extra money that they had received. However a refund was not given to the people that paid the excessive fees, they instead discounted fees for future applicants.

Commissioner Tobin stated that he is so glad that she comes to these meetings, and stated that he will look into it. They are trying to simplify the fee structures, and they may have gone the opposite way.

Ms. Tibbles stated that simplification is good, but not at the expense of legality; expediency on the part of this body should not be at the expense of good governance. Please do not sacrifice the voice of the community. In the future, ask for a show of hands of who is for or who is against a particular item.

Ms. Tibbles spoke on the issue of sustainability. She stated that they should ask the League of Cities to institute the bottle deposit law again. She has spoken to the State Representative about this, and it is a problem throughout the State and thinks the League of Cities should take it up and get it on the legislative agenda.

Commissioner Weithorn sits on that board of the League of Cities, and is happy to submit the proposal for the next legislative calendar.

4. Stanley K. Shapiro is a senior citizen activist, and for those of you who read the Miami Herald, he hopes that they read it this morning. There is an article by our Mayor Phillip Levine, and he suggested that all employees and members of the community read the Miami Herald today. He is proposing today for an ordinance to be passed. As a former licensed real estate broker of nightclubs, bars and discos in New York City, he feels he is qualified to talk on this matter. He asked that they pass an ordinance that all employees of nightclubs, bars, and discos be fingerprinted. He also asked that the cost be borne by the nightclubs, the bars and the discos as a price of doing business. The fingerprints will be checked by the Police Department for criminal records. He believes that anybody who has committed a felony should not be permitted to work in a Miami Beach nightclub, bar or disco. He asked the Police Chief and he supported it. Mr. Smith has also indicated his support. Please do not send this request to committee, take action and speak up now. He asked for the City Commission to ask the City Manager to draft an ordinance for the next meeting.
5. Alberto R. Machado is a United States citizen and has been in the country for 47 years. Two days ago he had an incident in a bus. The City of Miami is in debt \$218 million dollars. If the big buses bring tourists to the beach and transport them around that will be fantastic. Mayor Levine gave Mr. Machado a photograph taken of him yesterday.
6. Michael Bay Felipe, a Miami Beach resident for three years, cannot tolerate the lack of cleanliness in the City any further; it is unacceptable. He is optimistic that with the new Administration the culture will change about cleanliness. The City is dirty and this issue is not measurable but it affects tourism. There should be a zero tolerance for littering. There should be electronic signs about littering fines. He suggested allocating resources to assist in enforcing the Code violations. They need to pressure wash Washington Avenue daily, more trash and recycling cans, and create a position that focuses on quality of life issues, such as the people not picking up their dog poop; that should not be tolerated. As more trash bins are installed, please look at recycling.

Commissioner Grieco explained that Michael Bay Felipe and a group of people went on Saturday, and went up and cleaned Indian Creek all the way up in the 20's; it is embarrassing and a disaster. The City should be organizing these types of events on a monthly basis.

Jimmy L. Morales, City Manager, explained that they have two new Code Officers dedicated to handle Lincoln Road to focus on that location and the violations that include cleanliness. They are also working on the questions raised by the bathrooms on the beach, and staff is putting together the proposal that will target the early morning hours when a lot of problems are created when the homeless use the bathrooms to bathe and create a mess. They are targeting the trashcan issues across the City, and are looking at the proposals to see how many trashcans can be put out. At the last blue ribbon committee, a gentleman presented garbage that is gathered out of the waterways, and one of the proposals is the City to get more involved in that.

Michael Bay Felipe explained that the trash from the street is going into the storm drain, and there are catch basins that filter the trash, but the problem is that they are only cleaning this

trash, or these capture devices, once every 2.5 years. They should be cleaning those things monthly. The problem is that the trash flows out into the canals, which he is cleaning up, but also, more importantly, the grates on the outside, which catch the trash, get clogged up. So flooding issues are directly due to this.

Jimmy L. Morales, City Manager, suggested giving direction to Public Works to come back with a proposal on that.

Eric Carpenter, Public Works Director, stated that they have spoken to the City's waterways cleaning contractor, and asked him to give them a price for cleaning up the waterways, and including the outfalls, and the actual cages on the outfalls that are holding up this trash and creating some of these clogs, and they are looking at ways that they can basically increase effectiveness and frequency of cleaning these catch basins, because he agrees that every two and a half years it is too infrequent. **Eric Carpenter to handle.**

Commissioner Tobin obtained a document from a marine biologist Bob Smith, who is in charge of cleaning the canals in the Keys. He gave the document to the prior Public Works Director. The document lays out exactly how they are supposed to clean the canals and there is a measure where you drop a weight on a string and they actually clean it to where you will be able to see all of that algae. So there is an expert and he is a marine biologist who does this in the Keys, and the guys the City uses that pulls the shopping carts out of the canals for \$100,000 a year may not be the proper personnel; if they are going to do this, might as well do it right.

Discussion continued.

Mayor Levine stated that education is essential.

7. Sophia Sieczkowski spoke on the aesthetics and cleanliness of the beach, and the Alton Road Flyover. She understands that there is a Master Plan for Alton Road. She asked if the City has about \$7,000 to pay FIU's Department of Urban Studies, located at 420 Lincoln Road, to conduct a study on improvements that can be made to the Alton Road Flyover. She met with Department of Urban Studies Director John Stewart and he has students who could do a three to four day envisioning study to show the City what they can do to improve the eyesore that is the Alton Road Flyover.

Mayor Levine agreed that the Flyover is an eyesore compared to the rest of the City. When he met with the FDOT Secretary of Transportation, the City thought the Flyover could not be demolished, but the Secretary of Transportation said to him that they are open for discussion, and if there is an opportunity to widen the road, then there could potentially be a way of bringing it down, if that is what the community wants. The Mayor asked the City Manager what the City can do.

Jimmy L. Morales, City Manager, announced that they are in discussions with FIU and The Wolfsonian regarding different partnerships, and at the meeting they talked about charades for different areas of the City, and this area can be included to see if the Flyover can be painted.

Discussion held.

City Manager Morales will bring back at the next meeting a report regarding cleaning up the area and he will find out if there is credible notion of moving the Flyover and what it would cost. Discussion continued. **City Manager to give status report.**

Mayor Levine asked if a creative design could be added to the Flyover if painted. **Eric Carpenter and Bruce Mowry to handle.**

8. Ken Beresky is a local resident, cyclist and a runner, spoke on the boardwalk that is being torn down and replaced. He is here about the amount of time that this is taking. Nothing is being done. Runners cannot go there. Pedestrians cannot go there. He urged the City Commission to stay on top of staff, and keep on top of the property owners who are doing their construction projects there, and complete it in a timely fashion. They are taking away a major asset.

Jimmy L. Morales, City Manager, clarified that the delay was due to City at the request of the residents regarding the elevated boardwalk.

#### Handouts or Reference Materials:

1. Florida Cycling Law Blog article by Christopher G. Burns, Esq., Attorney Cyclist Advocate

9. Tiva Leser, North Beach Elementary PTA President, wants to discuss the possibility of getting one of the Commissioners or the Mayor to open up the parking lot behind Rosters, which is between 41<sup>st</sup> and 42<sup>nd</sup> Street and Royal Palm and Sheridan, which closed years ago; there is a lot of traffic congestion in the morning and the afternoon for the parents in this area, and she asked for relief.

Commissioner Weithorn asked the Parking Department to look into it and suggested that staff reach out to Ms. Leser. **Saul Frances and Jose Gonzalez to handle.**

#### 11:08:52 a.m.

- R9C Discussion On Reaffirming The Past Resolution Against Gambling On Miami Beach To Assure It Is Maintained In Full Force And Effect.

(Requested by Commissioner Jonah Wolfson)

**ACTION:** Discussion held. **Resolution 2014-28529 adopted.** Motion made by Commissioner Wolfson; seconded by Vice-Mayor Steinberg; Voice vote: 7-0. **City Attorney's Office to handle.**

Commissioner Wolfson explained that this is the gaming issue that comes back yearly, and this Commission has passed resolutions in the past against the proliferation of gaming.

Mayor Levine stated that what Commissioner Wolfson is saying, and he agrees, is that they are against the expansion of gaming in the State of Florida, and he adamantly agrees with him.

Commissioner Tobin adamantly agrees with him also.

**11:19:11 a.m.**

- R9D Discussion Regarding Negotiating With Gateway Development, Inc., For The Purpose Of Purchasing The Property Located At 1100 5th Street, Miami Beach, Florida 33139, For The Future Development Of An Intermodal Facility.  
(Tourism, Culture & Economic Development)

**ACTION:** Discussion held. **Resolution 2014-28530 adopted.** Motion made by Commissioner Weithorn seconded by Mayor Levine; Voice vote: 7-0. **Max Sklar to handle.**

**TO DO:**

Direct the City Manager to investigate the acquisition of the parcel of land at a fair and reasonable price. The topic will be further discussed when the Commission sees the terms.

Jimmy L. Morales, City Manager, introduced the item.

Commissioner Weithorn provided history on this issue and feels very strongly that the City should never pass an opportunity like this. The last two times this was done, the neighborhoods were transformed. There should be a healthy discussion regarding the possible acquisition. It is not about traditional return on investment when the City buys something; it is about transforming the quality of life for residents. She asked the Administration, if her colleagues agree, to pursue this matter. At a future time, after obtaining all the information, the Commission may decide to turn it down, but the Commissioners should not just dismiss it without a healthy discussion.

Discussion continued.

Mayor Levine suggested directing the City Manager to investigate the option to obtain the parcel at a fair reasonable price, and it will be further discussed when the Commission sees the terms.

Discussion continued.

**11:37:44 a.m.**

- R9E Discussion And Referral To Neighborhood/Community Affairs Committee - The \$15 Flat Rate Parking Fee During Events At The City Hall Parking Garage Located At 17th Street And Meridian.  
(Requested by Commissioner Deede Weithorn)

**ACTION:** Discussion held. Item referred. Motion made by Commissioner Weithorn; seconded by Commissioner Tobin to refer the item; Voice vote: 7-0. **Vania Pedraja to place on the committee agenda. Saul Frances to handle.**

**REFERRAL:**

Neighborhood/Community Affairs Committee

Commissioner Weithorn stated that some of the residents reached out to her during the last month and a half, as we have had the Antique Shows and the Boat Show and the City blocks the spaces in the front of City Hall where residents are supposed to park when they come to City Hall. Additionally, sometimes the City Hall Garage is full or they will not allow residents in. Sometimes the 17th Street Garage is full and so the people have to park in other places when they visit City Hall. The Building Director has done a great job in making that first floor easy to

come up and get your building permit, and more and more residents are taking advantage of coming to City Hall to do their own business because they do not have to hire someone any more. Therefore, we need to think of a way during these high impact periods where the City reduces the number of parking spaces near City Hall, so the people can park. We must designate parking spaces for visitors to City Hall.

Commissioner Weithorn has discussed a couple of ideas and it can go to the Neighborhoods/Community Affairs Committee, but she wanted her colleagues to weigh in to see if they agree that it is a problem and then we can send it to Neighborhoods and figure out a solutions.

There was consensus that this was a problem.

Commissioner Weithorn added that if have you to park somewhere other than where free parking is designated, the visitor to City Hall should be able to get a stamp, maybe at the Office of the City Clerk, that says that you were at City Hall and you should pay a discounted rate. If you come to City Hall for a building permit, you should not have to pay \$15 to park.

**2:48:26 p.m.**

R9F Discussion Regarding The Miami Beach Centennial Celebration.  
(Requested by Vice-Mayor Micky Steinberg)

#### **ACTION 1**

Motion made by Commissioner Wolfson to delegate approval of the issuance of the RFQ to the Mayor; the Mayor to work with staff to review the RFQ. As the Code states that an RFQ has to be approved by the actual document, an LTC with the RFQ will be sent to the Commission and if any member of the Commission perceives a problem they can contact the City Manager; seconded by Vice-Mayor Steinberg; Voice vote 6-0; Absent: Commissioner Weithorn. **Max Sklar and Alex Denis to handle.**

#### **ACTION 2**

##### **Resolution No. 2014-28531**

Motion made by Commissioner Malakoff to extended the Centennial Ad-Hoc Committee to July 2015; seconded by Commissioner Wolfson; Voice vote 6-0; Absent: Commissioner Weithorn. **Max Sklar to handle.**

Vice-Mayor Steinberg introduced the item; she stated that our Centennial is March 26, 2015. This is an opportunity for the Commission to give direction as to how big we want the celebrations. It is an opportunity to have a positive experience for the residents, and get the businesses involved. This is something that will bring us together as one City, and do something wonderful. Vice-Mayor Steinberg is aware that the Administration has discussed holding events every month leading up to the Centennial, starting in the next fiscal year and doing a different event every month from October 2014 to March 2015. Vice-Mayor Steinberg asked Max Sklar to make a presentation on the events planned, and thereafter, the Commission can give direction. Depending on how big they want to go, it is going to require time and resources.

Mayor Levine envisions a weeklong celebration with various events. He can image on a Saturday night or on the day of the centennial, a massive concert on the beach with everyone participating

from Pitbull to Gloria Estefan and Ryan Seacrest hosting. This should be a national show - an HBO event. This should be an unbelievable thing where they go for broadcast rights. They bring in every celebrity that enjoys and loves Miami Beach. The City must create something that is so spectacular that it becomes a national show. Mayor Levine also envisions having a documentary created. The Mayor will talk to Alfred Spellman and Billy Corben, who are local documentary makers, and let them work with the Knight Foundation for funding so they can do a great documentary on the history of Miami Beach. He envisions doing something big – that is televised. That shows Miami Beach from the beginning, to Jackie Gleason, to all across what Miami Beach is. This is going to require a great deal of coordination. It is going to mean having to bring in a potential third party group to help put this massive event together – a climaxing event that will be broadcast.

Commissioner Wolfson is very happy that Vice-Mayor Steinberg put this item on the agenda. At the retreat when he was asked about opportunities, he listed the Centennial Celebration as a massive opportunity for the City to tell everyone who we are. If we are going to do what the Mayor suggested, we have to start quickly – we have to get an RFQ out there very quick to retain a company that can produce it. It is not just an event, we also need that relationship base where someone can go out and put together all the pieces.

Vice-Mayor Steinberg wants to use all of the public areas in the City, as well as have the businesses involved and sponsors.

Mayor Levine agreed that they will need sponsorships. Mayor Levine stated that he envisions tents on the beach, a massive stage, with massive amount of people. It should be a “cool positive Woodstock” in Miami Beach. The Mayor wants to see video presentations on stage, Jimmy Buffet participating – an event where the City can sell the rights to HBO or Showtime.

Mayor Levine stated that the City needs a third party that has experience with this type of events, which can put this together. This is a very specific market.

Commissioner Wolfson spoke.

Mayor Levine offered Max Sklar to help him with this.

Max Sklar stated that if they are thinking on such a grand scale, the City does not have the resources as the Mayor has identified on staff to do that. The City definitely needs a third party. The Mayor concurred. Max Sklar expressed a concern regarding time. If they go and issue an RFQ – the next meeting is not until April 23, 2014.

Mayor Levine stated that they need to move this fast. It will only be a half a dozen groups that do these types of events.

Commissioner Wolfson stated that the Mayor is the person that seems to have the potential relationships, and the best understanding of putting something together at this grand scale. He asked the Mayor if he could help drafting an RFQ between now and the April meeting.

Jimmy L. Morales, City Manager, stated that they need to put a budget together, and put funding aside.



Mayor Levine stated that they all are going to have to work together to help get sponsorships. The third party will help obtain sponsorship, but they will all have to work together to the various Miami companies.

Discussion continued.

Commissioner Wolfson suggested that the RFQ be reviewed by the Mayor.

Max Sklar stated that they need to work with Procurement to work on the correct methodology, but to give the Administration the authorization to issue what is deemed proper.

Commissioner Wolfson stated that he would like the Mayor's Office to review it prior to its being issued.

Mayor Levine stated that this is but one part of the Centennial Celebration; there are other segments to it.

Vice-Mayor Steinberg stated that they need to work with MDPL because they have visuals memoir of the history of Miami Beach.

Max Sklar listed the events that are currently planned for the Centennial. (See [LTC 070-2014](#) for details.) It has been split into three sections: 1) the historical initiative; 2) public events; and 3) all the annual events to include something special as part of the centennial. The City will collaborate with the VCA and the MDPL. The City will have to create a dynamic website to promote all of this. Mr. Sklar announced that the City will be introducing several new logos in the next few weeks, that will launched at the culminating of the City's 99<sup>th</sup> Birthday to help get the community involved in the voting of which log should be used for the City's Centennial.

Jimmy L. Morales, City Manager, stated that FIU has agreed to work with the City and the Office of the City Clerk in terms of catalogue and digitalize the City's archives – photos and documents. Mr. Morales mentioned that they are asking FIU for a proposal that he hopes would just include their cost, and they are looking at obtaining grants.

Max Sklar stated that an Ad-Hoc Centennial Committee was created last year and the members need to be appointed. He also requested that the date of the Ad-Hoc Committee be extended to July 2015.

#### **MOTION 1**

Motion made by Commissioner Malakoff to extend the date of the Ad-Hoc Centennial Committee until July 2015; seconded by Commissioner Wolfson; Voice vote; 6-0; Absent Commissioner Weithorn. Commissioner Malakoff urged her fellow Commissioners if they have not appointed someone to this Ad-Hoc Centennial Committee, to please appoint someone with experience in entertainment or in the history of Miami Beach.

#### **SPECIAL COMMISSION MEETING:**

Jimmy L. Morales, City Manager, requested to have a Special City Commission Meeting on April 9, 2014 to handle Convention Center items (including the awarding the design criteria profession for the Convection Center Project); additionally the RFQ on the Centennial matter.

Commissioner Tobin stated that he would not be present, but he it was acceptable to him if the rest of the Commission wanted to have a meeting.

Mayor Levine, Vice-Mayor Steinberg and Commissioners Malakoff and Wolfson stated that the April 9, 2014 date was acceptable. Commissioner Wolfson added that if the meeting is held after 5:00 p.m. he can attend.

City Manager Jimmy Morales stated that 5:00 p.m. was acceptable.

**There was consensus to hold a Special City Commission Meeting on April 9, 2014 at 5:00 p.m.**

**TO DO:** Notify Commissioner Weithorn of the Special Meeting, as she was absent during the discussion. **Marcia Monserrat to handle.**

Motion by Vice-Mayor Steinberg to direct an RFQ for the Centennial, to be brought back on April 9 for approval. No second offered.

**MOTION 2:**

Motion made by Commissioner Wolfson to delegate approval of the issuance of the RFQ to the Mayor – the Mayor to work with staff to review the RFQ; as the Code states that an RFQ has to be approved by the actual document an LTC with the RFQ will be sent to the Commission and if any member of the Commission perceives a problem they can contact the City Manager; seconded by Vice-Mayor Steinberg; Voice vote 6-0; Absent: Commissioner Weithorn.

- R9G Discussion Regarding A Resolution Urging The Florida Legislature To Reject Any And All Expansions Of Gambling, Including Legislation To Legalize "Destination Casinos" In Florida.  
(Requested by Mayor Philip Levine)

**ACTION:** Item withdrawn.

**11:23:20 a.m.**

- R9H Discussion Regarding Commercial Vehicles Blocking Lanes; On The Following Streets: Washington Avenue, Collins Avenue, Ocean Drive, And West Avenue; Enforcement And Long-Term Solutions.  
(Requested by Commissioner Michael Grieco)

**ACTION:** Discussion held.

Commissioner Grieco introduced the item. This is a discussion regarding commercial vehicles blocking lanes, especially on Ocean Drive, Collins Avenue, Washington Avenue and West Avenue. He has invited representatives from Parking and the Police Department to participate in the traffic discussion, which is a major source of complaints. Representing the Parking Department is Director Saul Frances and representing the Police Department is Police Captain De La Espriella. In the polls that are taken, traffic and flooding are the top complaints of the residents. Commissioner Grieco commented that as someone who travels frequently north and south in the City, especially with the Alton Road construction, many more people are using

Washington and Collins Avenues. Commercial vehicles blocking lanes is a perpetual problem. It happens on every block. Commissioner Grieco wants to open it up for a brief public discussion, due to the multiple emails and complaints he has received from residents as well as his own personal experience.

Commissioner Weithorn asked why yesterday, March 4, 2014, it took 40 minutes to go from 54<sup>th</sup> Street to the City border. All of the arteries were completely stopped.

Saul Frances, Parking Department Director, explained the item. The current infrastructure that is available for commercial vehicles to provide loading activities is one of the root causes of congestion that happens on some of these thoroughfares. There are existing commercial loading zones, those are approximately 40 feet long, they accommodate certain level of vehicles, but certainly the larger trucks – the eighteen-wheelers, those wind up double parking or parking in alleys or blocking some of the thoroughfares. A component is enforcement, and he will get to that. One of the things they are looking at, and they had a conversation with the Transportation and Parking Committee, was to look at permitting of commercial loading zones for freight vehicles. They would be termed “freight commercial loading zones.” They would be larger to accommodate those larger vehicles, they would be permitted so a driver would have to preregister those commercial vehicles with the Parking Department, and then they would be authorizing it to use it. Any other vehicles would be prohibited from utilizing these freight commercial loading zones. What occurs now is that all types of vehicles utilize the loading zones, and when these larger vehicles arrive, there is no place for them to off-load. The point is to create some type of regulatory process for commercial loading in these corridors.

Commissioner Grieco asked if Mr. Frances would agree that much of the problem is the truck driver's fault. He has seen plenty of time and had plenty of people report to him that in a loading zone the driver of an eighteen-wheeler is blocking the thoroughfare (usually the 1400, 1500 and 1600 blocks) and will cause a backlog for blocks.

Commissioner Grieco stated that in Manhattan they have rules about this. Could they have restrictions as when they allow loading and unloading; maybe before or after a certain hours? For example, prohibiting load and unloading during peak travel times where all the congestion happens, or during special events. Commissioner Grieco stated that this is a quality of life issue that can be resolved, make the residents happier and make living on the Beach more pleasant.  
**Saul Frances to handle.**

Commissioner Weithorn asked Captain David De La Espriella about “block the box” – as she deems that this is the other reason that traffic is backed up. People block the intersection, and traffic does not flow, and gets backed up; people then get frustrated and further block the box. Other Cities do a good job with preventing block the box. She requested Captain De La Espriella to see what we can do. **Police Captain De La Espriella to handle.**

Captain De La Espriella stated that it has been the Police Department's concentration lately, especially with the Alton Avenue project and West Avenue, to prevent blocking the box. You see motor-officers stationed in Alton and West Avenues, and one of their main functions is to ensure that the intersection is not blocked. When the Police Department did the Boat Show Traffic mitigation, they positioned Officers at certain locations whose main job was to guarantee that the box was not blocked.

Commissioner Malakoff added that it should also apply to 41<sup>st</sup> Street. Commissioner Malakoff pointed out that 41<sup>st</sup> Street is a major traffic problem.

Mayor Levine inquired if there a technology where Police Officers can issue traffic citations without having to get out of their vehicle, possibly utilizing equipment similar to a radar gun that is pointed to the license plate and the citation is issued. The citation is issued electronically and goes directly to their driver's company.

Commissioner Grieco responded that the problem that he has been advised of is that many companies deem these citations to be the price of doing business. The big delivery companies have budgets set aside for parking tickets. For it to be effective enforcement the citation would have to be to the driver, because then it affects the driver's CDL, insurance, etc.

Captain De La Espriella commented that Saul Frances is on the right track; enforcement has to be a component, but it should not be the main component. We have to find an alternative to the big trucks and the eighteen-wheelers that are sometimes blocking traffic because they really have no place else to park, whether that is restricting the time limits and creating a permitting process as Saul Frances is suggesting. However, enforcement has to be just one component of the overall picture. Captain De La Espriella stated that the Police Department is obviously going to be there to enforce the regulations. In a 48-month period when the Police Department had the "Clear Program," where the motor-officers were involved, they wrote almost 29,000 citations specific to the issue of parking in the travel lane and obstructing the traffic. The majority of the citations were written to the vehicles that were using the commercial loading zones, but were not in the process of conducting commercial loading.

Commissioner Grieco inquired of Captain De La Espriella if the Police Department was citing the violators who are improperly utilizing the loading zones. Commissioner Grieco added that such a violation should be an instant tow. These are tow away zones, and the whole point is to free up the areas for the commercial vehicles.

Commissioner Weithorn stated that it should be a moving violation. If it is a tow or a ticket, it is the cost of doing business; but if it is a moving violation, the driver's insurance rates go up and the driver's ability to get a job as a driver is jeopardized - it has a greater impact.

Mayor Levine inquired if the City is able to boot the vehicle. Commissioner Grieco replied that this would create even greater blocking of traffic.

The Mayor requested for the Police Department to inquire as to how Manhattan (New York City) enforces its commercial loading/offloading regulations. **Police Captain De La Espriella and Saul Frances to handle.**

Captain De La Espriella informed the Mayor that the Police Department has looked at the procedures of several municipalities, such as Chicago, Portland, Orlando, and several others, and they have a permitting system for the freight loading zones, that is what we need to do.

Commissioner Tobin commented that this is more than a decade long problem. The problem must be solved. Commissioner Tobin added that City Department Directors need to identify the problems and address them; Commissioners should not be the only ones that identify problems. Commissioner Tobin does not want to see the solving of this problem delayed any further. There

should be no additional discussions, or submittal to committees to solve the problem. Commissioner Tobin wants the problem to be solved without any further studies, analysis or committees; the Parking Department has had ten years to analyze it, it is now time to solve the problem.

Mayor Levine instructed the Administration to do whatever is necessary and come back to the City Commission with a plan. **Saul Frances and Police Captain De La Espriella to handle.**

**2:23:25 p.m.**

R9I Discussion Regarding Providing Fire Service To Indian Creek Island.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held. No action taken.

Commissioner Tobin stated that this is an item that he has always supported. Indian Creek Island, for a long time, has wanted to see whether Miami Beach had the appetite to provide fire services to the island. The island pays Miami-Dade County, as he understands it, approximately \$1.8 million, and they thought the City of Miami Beach could provide fire services for less, and that is something the Fire Department stated they could do. He does not want to upset the County because they may take away the Convention Center monies; he just wanted discussion on this.

Mayor Levine explained that the Mayor of Surfside was looking to do the same thing.

Fire Chief Virgil Fernandez stated that the services can be delivered, but they would have to make sure it does not affect the response times currently at Station 4. He thinks the bigger issue is that they depend on the County for many of the services the City's Fire Department delivers. For example, the County has a team that does primary evaluation of what is going on, they evacuate areas and assist in decontamination; that is a service that the Miami Beach Fire Department currently does not provide. The City is in talks with Miami and Miami-Dade County about possibly putting the City's firefighters on these other government entities' boats. It can be done, but Indian Creek now has fire service and is strictly looking at a narrow portion of that service, and not in its entirety. He would definitely have to look at it.

Mayor Levine asked how the County would feel about the City getting involved in this business.

Fire Chief Fernandez stated that the County would not be happy. They are looking more at areas like this, but he would rather look at it as far as services delivered, but not looking at saving someone money. If the issue is delivery of services, they can enter into mutual aid agreements, which they have. He is in talks with the Miami-Dade County Fire Chief to explore those possibilities. In Miami, as far as having staff ride the boat, they will be able to be part of the response.

Discussion held.

Jimmy L. Morales, City Manager, is concerned not only that the County backs up the City's Fire Department on Miami Beach, but the City is looking historically at the County for assistance with Convention Center issues, the City wants an extension of the RDA, the City wants transit issues,

issues with DERM. He would be concerned that this will hurt the City unintentionally.

Mayor Levine stated that this is about exploring the options, and if there is an opportunity, the City should take a look at it.

Steve Hellman, Indian Creek Village Attorney, congratulated the newly elected Miami Beach officials and commended the Commission for the well-run meetings. Indian Creek is a unique government with the right to opt out of Miami-Dade County Fire services; they earned that right in 2008, and since then they have been looking at different options, including establishing their own fire department, which does not work. They would like to have fire service through Miami Beach. They see it as a win-win situation; it is a great opportunity for both communities and they do not think there is a need for additional staff. They would love to be a part of this community. They are looking for the opportunity to work with the City Manager and the Fire Chief to explore this idea. Indian Creek had approached Miami Beach before, and were not even given the opportunity to explore the idea. He thinks there are benefits for both municipalities and he thinks the County will be interested. There is also a different Administration in the County with Mayor Gimenez and they have a good relationship.

Discussion continued.

Commissioner Wolfson expressed his support of this item, as it is not only being a good neighbor but it is something that makes sense and he is in favor giving direction to Administration to move forward and discussing the feasibility of the options. Commissioner Tobin seconded this motion for discussion purposes only, but he does not know what his final vote will be.

Discussion continued.

Commissioner Malakoff is not in favor of the item. Timing is not good. Commissioner Grieco agreed. Vice-Mayor Steinberg felt that this is not the best time.

Seeing that the majority of the Commission appears to be opposed to the idea, the consensus was to revisit it at another time.

**1:39:54 p.m.**

R9J Discussion Regarding The Alton Road Medians.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held. Item deferred to the April meeting.

**TO DO:**

The City needs to coordinate the signalization of the traffic lights with Miami-Dade County, and the City needs a liaison to Miami-Miami Dade County on this. The timing of the traffic lights need to be checked everywhere in the City. This needs to be done immediately. **Eric Carpenter to handle.**

Mayor Levine introduced the item and stated that the public can speak those in favor and those against it. No action will be taken at this time.

Commissioner Tobin recognized Matthew Lambert, DPZ Architects & Town Planners, an architect and an urban planner, who has a presentation to make.

Jimmy L. Morales, City Manager, explained that over the course of the summer and early fall 2013 there was a lot of discussion initiated by the leadership in the community, and FDOT responded by changing the plan with a variety of alternatives. The Commission actually voted for an Option with a mixture of medians and removal of a bike lane. Commissioner Tobin explained that FDOT tweaked the Option to a degree that undermined many of the things this Commission voted on. City Manager Morales continued explaining that FDOT had a public hearing and there were comments received at that public hearing, and FDOT responded to per State Law.

Eric Carpenter, Public Works Department Director, showed the latest revision of the design for the Alton Road Corridor, which shows widened sidewalks and a median concept as FDOT believes it is feasible, so it ends up with a relatively narrow median for large portions of the segment of Alton Road. It was not feasible to put medians south of 8<sup>th</sup> Street or north of Lincoln on the portion of before the Collins Canal. FDOT also provided the City with potential options and basically FDOT is stating that they can do either grass or pavers or minor ground covers, and all they can get as far as trees is solitary palms, which are very small, since the medians are so narrow.

Commissioner Grieco stated that the concerns raised to him by many people are that truck, even cars will not be able to make U-turns with the current design; there are several vehicular maneuvers that do not seem feasible based to this plan. As a result, vehicles will be forced to turn into the neighborhoods to maneuver.

Commissioner Tobin stated that this is an arterial road and they need to move traffic in and out. He likes the idea of shade canopies, and in some designs FDOT had that, but now there is concrete and a little bit of grass. He added that this option increases traffic and it causes a problem.

Commissioner Weithorn stated that it is important to realize that what they see is not what they envisioned when they voted on this. The biggest and most important things were the sidewalk that they need to retain; she prefers pavers, and in some cases they may be able to retain some of the elements and trees.

Commissioner Malakoff asked whatever happened to the landscape. This is perfect for more green space, which is good for the environment, the business and the residential area. She agreed with Commissioner Tobin.

Discussion continued.

The following individuals spoke:

Jonathan Fryd  
Tammy Tibbles, with the Alton Road Re-Construction Coalition  
Mathew Lambert

Discussion continued.

Vice-Mayor Steinberg stated that City needs the signalization of the lights with Miami-Dade County, and the City needs a liaison to Miami-Miami Dade County on this. The timing of the lights needs to be checked everywhere in the City. This needs to be done immediately. **Eric Carpenter to handle.** Discussion held.

Mayor Levine stated that all options are off the table they are only discussing the medians and that is it, because this Commission wants this road done. He is only discussing the medians. Commissioner Weithorn agreed and she is only going to discuss medians,

**2:07:06 p.m.**

Commissioner Tobin stated that based on the posters that are being shown, in many of the intersections shown, drivers will not be able to make a left. Although it may slow the project down, he suggests that FDOT reconsider the way they designed this. FDOT created this situation and it is a mess. **Eric Carpenter to handle.**

Discussion continued.

Michael Corey spoke.  
Sam White spoke

Handouts or Reference Materials:

1. Email from Alex A. David dated March 4, 2014, RE: Proposed Medians in Alton.

**3:02:28 p.m.**

R9K Discussion Regarding CIBO Restaurant Project Located On South Pointe Drive.  
(Requested by Commissioner Michael Grieco)

**ACTION:** Discussion held.

Commissioner Grieco explained that he receives many emails on this issue. This project has been going on since the 1990's and is coming to fruition, but there are a lot of folks that live around what is being constructed on the corner of South Pointe Drive and Ocean Drive, at the entrance of the Continuum and adjacent to the Portofino Towers and South Pointe Towers. He informed that there is a relatively large restaurant with rooftop operation that will have an impact on the area; many residents of the buildings have expressed their concern. He wants to have a brief open discussion about the facts, and about what the City can and cannot do, what the City has already done, and what the City intends to do. Personally, as a resident in the South of Fifth neighborhood, he took a tour around the area with the Administration. He invited the public to speak and introduce Mr. Jimenez to explain further.

Joe Jimenez, Assistant City Manager, stated that during his first few days with the City, he visited the area and met with the neighborhood association, and Victor Diaz gave him a list of complaints, including the restaurant in question. The information that has been put out has not been clear. The City entered into a settlement agreement with this property owner, which vested him certain development rights. The emails he receives seem to imply that the City is going to pass on some sort of application for this use, and that is not the case. The original building permit was issued in 2007, and there were regulations that were not in place yet, as far as rooftops. The plans submitted for the property showed in excess of 400 seats total.



Gary Held, First Assistant City Attorney, explained that the agreement itself lays out the dispute. There was an original development agreement in 1984 granting development of a South Pointe parcel where the Continuum now sits. Murray Dubbin, former City Attorney, in 1997, determined that the development agreement had terminated and that resulted in the developer initiating legal action to confirm his rights in the ongoing status of the development agreement. In 1999 that litigation and the Burt Harris Claim resulted in the settlement agreement, an amended and reinstated the Ocean Parcel Development agreement dated March 5, 1999. In 1999 they agreed that the 1984 Code applied.

Discussion held regarding the dispute and the litigation.

Commissioner Grieco asked Mr. Held if the City can dictate the hours when this restaurant can operate on the rooftop.

Commissioner Malakoff asked what can they do to eliminate alcohol services.

Discussion continued.

Joe Jimenez, Assistant City Manager, stated that they have worked with the homeowner associations, they met with counsel on three different occasions, and calls have been placed to their office. Mr. Diaz and he have spoken about this. Concessions have been made: The deliveries are taking place in the back; and parking will not be used under the Continuum parking garage. Many of the concerns raised have been resolved. There was a mistake made, and they are in the process of fixing it. The error was that a right-of-way permit was issued for an extension of what they call a valet ramp, but no valet operation plan has ever been approved. They have never approved a valet operation plan for this restaurant. The residents are getting information that implies that this restaurant is asking for some sort of permit and the residents are here to urge this Commission to deny it. There is no such permit request said Assistant City Manager Jimenez. Discussion continued.

Gary Held, First Assistant City Attorney, explained that there are two bases upon which they are entitled to have a restaurant, and they are protected from further regulation: the 1999 development agreement and the equitable estoppel ordinance in the City Code. They received the building permit on June 27, 2007. The ordinance dealing with rooftop or above ground deck activities was adopted in 2009, so they are protected from enforcement of that ordinance. Discussion continued. The Planning Director at that time was presented with a set of plans that showed a number of uses on the roof, and those uses are grandfathered as of that day. Music on the roof should not be an issue.

Discussion held regarding rooftop and alcohol beverage sales. There is an argument that can be made, according to Mr. Held, that within the scope of the development agreement there is an opening, which is the concept that deals with operating conditions for legal non-conforming uses. They have identified permitted uses, but not defined operations. The City would have to adopt a Citywide ordinance dealing with legal non-conforming uses and how they operate. Discussion continued.

Commissioner Malakoff asked if instead of a Citywide ordinance, if they can do an ordinance within the South of Fifth neighborhood. Mr. Held stated that there are other provisions that

stipulate that it would have to be Citywide.

Former Commissioner Victor Diaz, representing Continuum and the Continuum South Towers, thanked Commissioner Grieco for putting the item on the agenda and to the Mayor for allowing them to speak. Since March 2013 when he was first elected to the Board of Directors and construction of CIBO restaurant began, conversations started with the developer, South Beach Ocean Parcel, LTD, and the operator, Liberty Entertainment Group, represented by Mr. Di Donato here. He met with Mr. Di Donato on a few occasions, and they expressed their concerns. They appreciate his acknowledging their concerns and having made changes to delivery uses. The residents want CIBO to succeed, but it must not interfere with the quality of life of residents. Two concerns are: 1) the City will have to pass on a valet application for the ramp for this restaurant; they ask the Commission to instruct the Administration to a) carefully evaluate the valet parking study given to the City; they hired their own traffic engineer and they are happy to discuss further. Studies indicate that in order to maintain free flowing traffic on South Pointe Drive during peak hours, they would be required to maintain 15 ramp attendants; b) they would ask the City to be cautious of the fact that at times off-duty officers could be required in order to maintain an open lane of traffic; c) the City should prohibit VIP ramp parking; d) the City is to examine the proposed circulation route for valet storage and 3) verify the capacity on the storage lots. A presentation was made. He expressed the concerns of residents, especially with the rooftop.

Commissioner Grieco clarified the permitting error by the City. Discussion continued.

Mr. Diaz stated that if the City is going to give them grandfather rights in on rooftop operations, then hold their feet to the fire with respect to the configuration of the building permit that they approve and the concept plan which this Commission approves and any amendments to require City Commission approval if they want to change the physical configuration of that plaza. They asked Mr. Di Donato to agree to close at 1:00 a.m. If they could reach an agreement they will work together.

Mayor Levine requested that Administration provide to the South of Fifth Neighborhood the following: a) valet parking study; b) off-duty officers for traffic flow; c) the City to prohibit VIP ramp parking; d) Proposed circulation route for valet storage and 3) verify the capacity on the storage lots. **Joe Jimenez and Saul Frances to handle.**

Discussion continued

Nick Di Donato, CEO of Liberty Entertainment Group, explained that over the past two years they looked at the property with the ability to have a rooftop patio and a full license until 5 a.m., and in the development agreement they entered into the lease with those parameters. There are certain things they necessarily do not need. They are trying to work with the community, but this is the first time they have actually been able to sit with the residents. He has asked Mr. Diaz to allow him to make presentations to the residents and have an open discussion and Mr. Di Donato was never provided that opportunity. He gave a brief background of his experience in the field. He explained that they chose CIBO specifically for the community. They want the residents to be their clients. He believes that there is an opportunity to provide services to the residents of the Continuum. This is designed for the community. In meeting with Victor Diaz, they brought up the valet issue. He asked us to concede moving the valet north of the property, and as a transportation expert, he identified the problems that this would cause. He conceded to moving the drop off to the back. Their concerns with trash removal and deliveries were conceded.

Mayor Levine stated that he sympathizes with Mr. Di Donato, and asked if there is any way that they can compromise with the issue of the rooftop and be a part of the community. Discussion continued regarding the five in the morning license.

Commissioner Grieco stated that these citizens expect a certain quality of life, and they are scared. He asked that he be a part of the community.

Discussion continued regarding hours of operation.

Nick Di Donato, CEO of Liberty Entertainment Group, stated that he is willing to close later, and if it does not work for the neighborhood, they will close earlier. Discussion continued.

Mayor Levine asked Mr. Di Donato if he can come back with a possible compromise. Mr. Di Donato stated he will come back.

Commissioner Malakoff requested to make sure the residents at the South of Fifth Neighborhoods meet with Mr. Di Donato.

Gerald Posner, President of SOFNA, stated that Mr. Di Donato never reached out to them for dialogue.

Jerry Blair, Continuum Towers, stated their neighbors were never asked to meet with Mr. Di Donato.

Mayor Levine asked the City Attorney to look at the items Mr. Diaz mentioned as far as their legal rights. **City Attorney's Office to handle.**

Jose Smith, City Attorney, explained that Mr. Diaz mentioned the plans approved by the City, which are separate from the development agreement; the development agreement applies as well, so they have to discuss what the City can and what it cannot do.

Carline Titleman asked when they began construction after the building permit was issued, and if the permit was renewed.

David Haber, representing Portofino and Continuum South Towers, stated that the developer has violated the development agreement numerous times, and the City Attorney and prior Administration were aware of it, by allowing the columns sitting without any construction going on, but kept the permit open. The issue of rooftop access is a huge issue. As to the comments on the easement property, Sonia Machen, the Fire Marshal at the time, visited the site, and stated in writing that they could not use the north side driveway for any drop offs or pickups as it was a fire hazard for fire trucks. He appreciates Commissioner Grieco placing the item on the agenda.

#### Handouts or Reference Materials:

1. Amended and Restated Ocean Parcel Development Agreement dated March 5, 1999

2:36:33 p.m.

**SUPPLEMENTAL MATERIAL 1: Memorandum from Legal and Ordinance**

R9L Discussion Regarding An Ordinance To Prohibit The Sale Of E-Cigarettes To Minors Or By Vending Machines Within The City Of Miami Beach.

Discussion Regarding An Ordinance Amending Chapter 70 Of The Code Of The City Of Miami Beach, Florida, Entitled "Miscellaneous Offenses," By Amending Section 70-2, Entitled "Reserved" To Create Regulations That Define Nicotine Vaporizer And Liquid Nicotine And That Prohibit The Sale, Barter, Providing Directly Or Indirectly, Gifting, Making Available For Use Or Possession, Or The Furnishing Of Nicotine Vaporizers And Liquid Nicotine To Persons Under The Age Of Eighteen (18); Moreover, Making The Possession Of Nicotine Vaporizers And Liquid Nicotine Illegal For Persons Under The Age Of Eighteen (18); And Providing Penalties For Violations; Providing For Repealer; Severability; Codification; And An Effective Date. (First Reading)

(Requested by Vice-Mayor Micky Steinberg)

**ACTION: Resolution 2014-28532 adopted.** Motion by Vice-Mayor Steinberg to adopt a resolution in support of the Senate House Bill Legislation banning e-cigarettes to minors; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Weithorn. **Office of the City Attorney to handle.**

**First Reading Ordinance Motion:**

Title of the ordinance read into the record. Motion made by Vice-Mayor Steinberg to approve the ordinance on first reading; seconded by Commissioner Malakoff; Ballot vote; 6-0; Absent: Commissioner Weithorn. Second reading and Public Hearing schedule for April 23, 2014. **Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda.**

**REFERRAL**

Neighborhood/Community Affairs before second reading. See also referral Item C4H to Neighborhood/Community Affairs Committee.

Vice-Mayor Steinberg stated that this is an item to prohibit the sale of nicotine to minors, whether in the form of a cigarette or e-cigarette. She added that there is a Bill in the State Legislature and the City of Miami Beach should adopt a resolution supporting the item, as other municipalities have done.

Jose Smith, City Attorney, in answering Commissioner Grieco's question, stated that the City can adopt this Ordinance, as this is not preempted by State Statutes, as it is not consider tobacco. There is a Bill in the Legislature to do the same this Commission is doing now.

Gerald Posner referred to an article in the Wall Street Journal regarding vendors in California that are working around the law by calling the e-cigarettes "e-pens", or "digital pens", and they might want to look into that.

Rafael E. Granado, City Clerk, read the title of the ordinance.

Motion made by Vice-Mayor Steinberg to pass the ordinance on first reading; seconded by Commissioner Malakoff; Voice vote 6-0. Commissioner Weithorn is absent.

Motion by Vice-Mayor Steinberg to adopt a resolution to support the Senate House Bill Legislation; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Weithorn.

**2:19:21 p.m.**

**ADDENDUM MATERIAL 2:**

R9M Discussion Regarding Scooter Parking And Bicycle Parking/Racks.  
(Requested by Mayor Philip Levine)

**ACTION:** Discussion held. **Saul Frances to look into scooter parking and adding attractive bike racks citywide.**

Mayor Levine stated that they need more bike racks throughout the City. He added that has been approached by people complaining that scooters are being towed and they are being penalized. He asked if they can eliminate a parking space to allow free scooter parking.

Vice-Mayor Steinberg asked if the City has specified parking spaces for hybrid vehicles, could it not do the same for scooters.

Saul Frances, Parking Department Director, explained that in the new pay by plate system that is being instituted, residents utilizing the system who park a scooters or motorcycle will pay a discounted rate. Mayor Levine thinks it is wrong to charge for parking a scooter that takes a small space. They should be incentivizing people to use scooters. Saul Frances to look into it.

Discussion held.

Saul Frances, Parking Department Director, will bring back a plan for scooter parking.

Commissioner Malakoff added that they need bike racks all over the City, but she suggested that they bring something more attractive.

**2:10:42 p.m.**

**ADDENDUM MATERIAL 2:**

R9N Discussion Regarding the Miami Beach Police Athletic League (PAL).  
(Requested by Commissioner Joy Malakoff)

**ACTION:** Discussion held. Item referred to the Finance and Citywide Projects Committee.

**REFERRAL**

Finance and Citywide Projects Committee

Commissioner Malakoff explained that she had correspondence with PAL relating to programs where officers were involved in mentoring students. She introduced the Director of PAL.

Officer Arthur Martineau, Executive Director of the Police Athletic League (PAL), stated that current programming includes over 40 programs, such as the Anti-Bullying Program, Another Chance for at risk kids in middle school, Summer Basketball Program, Bicycle Program where they donate bicycles to needy children; they have the Youth Police Officers Program, Cub

Scouts, Boys Scouts and they are looking into incorporating with Girl Scouts, the Mentor Program and also a Kindergarten Cop and the Boxing Program.

Commissioner Malakoff asked about after school programming.

Commissioner Weithorn requested data including programs, number of participants and how often they run, otherwise, they will not fund future budgets to PAL without the data.

Officer Martineau explained that the only yearly program is the Thanksgiving Basket Give-Away; the other programs meet every week and he has a list. The programs are ongoing.

Commissioner Grieco asked that there was a \$1 surcharge when Officers work off-duty earmarked as a PAL surcharge, and at some point those funds were going to PAL and sometime ago those monies were redirected to the General Fund, and to this date there is a PAL surcharge that is not going to the PAL. It is not about money being budgeted necessarily, but it is about money going back to the PAL.

Officer Martineau stated that since October 2010 Parks and Recreation operates 50% from its building, and pays nothing; not for space or utilities. PAL pays everything and this is draining their resources from running their programs.

Discussion continued.

Jimmy L. Morales, City Manager, stated that PAL is scheduled to be audited early this year, as it has been 5 years since they have been audited. The Manager will provide the results of the audit.

Commissioner Weithorn suggested referring the item to the Finance and Citywide Projects Committee.

Motion made by Commissioner Grieco to refer to Finance and Citywide Projects Committee; seconded by Commissioner Malakoff. Voice-vote: 7-0. Patricia Walker to place on the committee agenda. **Officer Martineau to handle.**

**TO DO:** Provide the Finance and Citywide Projects Committee with data, including but not limited to, the types and frequency of programs and the number of participants for each program. **Officer Martineau to handle.**

Commissioner Tobin would like to see additional programming in North Beach.

**2:44:01 p.m.**

**ADDENDUM MATERIAL 2:**

R9O Discussion Relating To PulsePoint, A Mobile Application That Partners With Rescue Agencies.  
(Requested by Commissioner Michael Grieco)

**ACTION:** Discussion held.

Commissioner Grieco stated that there is an interesting mobile application that he has spoken to Fire Chief Fernandez and Chuck Tear about. It is used throughout the country but no one in Florida has used it yet. Any citizen can download this free application, which is called PulsePoint. If a local municipality participates in it, a private citizen will be notified if there is a distress call that goes out anywhere within a quarter of a mile where they are. If someone is CPR certified and one can arrive before the paramedics, it may save a life. He asked the Commission to get direction to Administration and Fire Rescue to look into participating into this project.

Fire Chief Virgil Fernandez stated that one of the things they want to do is to ensure that the medical director approves this. There is no doubt that the sooner they get CPR to someone that needs it, the better the chances of survival, but there are some issues that need to be taken care of in an emergency, such as issues of HIPPA.

Commissioner Grieco stated that there are municipalities and counties that participate in the system and those issues he is sure they have been researched. He believes the City of Miami Beach can lead as an example to other municipalities.

Fire Chief Fernandez stated that from a Fire Rescue point of view he thinks it is an excellent program and something they would like to research better and come up with a recommendation.  
**Fire Chief Fernandez to handle.**

**Clerk's Note:** From the PulsePoint website. PulsePoint is an enterprise-class, software-as-a-service (SaaS) pre-arrival solution designed to support public safety agencies working to improve cardiac arrest survival rates through improved bystander performance and active citizenship. Where adopted, the PulsePoint app empowers everyday citizens to provide life-saving assistance to victims of Sudden Cardiac Arrest (SCA). Application users who have indicated they are trained in cardiopulmonary resuscitation (CPR) and willing to assist in case of an emergency can now be notified if someone nearby is having a cardiac emergency and may require CPR. If the cardiac emergency is in a public place, the location-aware application will alert trained citizens in the vicinity of the need for bystander CPR simultaneous with the dispatch of advanced medical care. The application also directs these citizen rescuers to the exact location of the closest publicly accessible Automated External Defibrillator (AED). <http://pulsepoint.org/app/>

**9:16:24 a.m.**

**ADDENDUM MATERIAL 3:**

R9P Discussion Related To Animal Cruelty.

(Requested by Mayor Philip Levine)

**ACTION:** Discussion held.

**TO DO**

Office of the City Attorney to draft an Ordinance, and bring it back to the April 23, 2014 Commission Meeting for consideration.

Don Anthony, Communications Director for Animal Rights Foundation of South Florida, stated that the circus is a never-ending nightmare for animals. Animals are caged and beaten in order to teach them to perform. An example is when female elephants are tied up and separated from their newborns until they become docile. This is happening behind closed doors and no one knows about it. He showed photographs of elephant cruelty. He knows of smaller circuses that come to Miami Beach and they are just as cruel to performing animals. No one knows what happens to the animals in these circuses after they no longer are needed. He urges the City to ban the weapons and instruments used for animal cruelty. There are many municipalities that have adopted ordinances that ban the use of these weapons and hopes Miami Beach will follow the lead and pass similar legislation.

Mayor Levine asked legally what the City of Miami Beach could do, as this is an animal friendly town to send the message out.

Jose Smith, City Attorney, stated that they could draft and a resolution and explained that there are also Florida Statutes that govern circus animals. Miami-Dade County does not regulate this, but he suggested referring the item to the Neighborhood/Community Affairs Committee.

Mr. Anthony stated that an ordinance sends a stronger message than a resolution and Commissioner Grieco agreed and added that legislation can be passed and transmitted to coastal municipalities.

Mayor Levine requested the Office of the City Attorney to draft an ordinance, and once adopted, it they will be transmitted to all the Mayors in municipalities across the bay. He volunteered to sponsor the ordinance and thanked Mr. Anthony for the work he does. **Office of the City Attorney to handle.**

**R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(City Attorney's Office)

**Reports and Informational Items**

1. Reports and Informational Items (see LTC [062-2014](#)).



2. List of Projects Covered by the Cone of Silence Ordinance - LTC.  
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months  
From Their Referral Date.  
(City Clerk's Office)

**End of Regular Agenda**

Handouts or Reference Materials:

1. Supplemental Abstention and Disclosure Requirement form completed by Commissioner Jonah Wolfson regarding various matters on which Lobbyist Fatima Perez is registered.

## **Miami Beach Redevelopment Agency**

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive**

**March 5, 2014**

Chairperson of the Board Philip Levine  
Member of the Board Michael Grieco  
Member of the Board Joy Malakoff  
Member of the Board Micky Steinberg  
Member of the Board Edward L. Tobin  
Member of the Board Deede Weithorn  
Member of the Board Jonah Wolfson

Executive Director Jimmy L. Morales  
Assistant Director Joe Jimenez  
General Counsel Jose Smith  
Secretary Rafael E. Granado

### **AGENDA**

#### **1. NEW BUSINESS**

10:15:56 a.m.

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Accepting The Recommendation Of The City's Finance And Citywide Projects Committee (FCWPC); Approving And Authorizing The Chairperson And Secretary To Execute A Lease Agreement Between The Miami Beach Redevelopment Agency (Landlord) And Vacation Tours, Inc. (Tenant), In Connection With The Use Of Suite "J" At The Anchor Shops, Located At 100 16th Street, Suite No. 5, Miami Beach, Florida (Space), For An Initial Term Of Three (3) Years, Commencing On March 18, 2014 And Ending On March 17, 2017, With One (1) Renewal Option Of Three (3) Years, At The RDA's Sole And Absolute Discretion, Subject To And Pursuant To The Terms And Conditions Set Forth In The Agreement; And Further Approving And Authorizing The RDA To Enter Into An Agreement With Tenant, For A Month To Month Tenancy, Until Such Time As A New Lease Is Executed.

(Tourism, Culture & Economic Development)

**ACTION: RDA Resolution 603-2014 adopted.** See action with item C6B-2. Motion made by Board Member Weithorn; seconded by Board Member Steinberg; Voice-vote: 7-0.

Rafael E. Granado, City Clerk, announced that all members of the Redevelopment Agency are present.

Max Sklar, Tourism, and Economic Development Director, introduced the item.

### **End of RDA Agenda**

Meeting adjourned at 4:00 p.m.